



Community Development Department

HISTORIC PRESERVATION COMMISSION MEETING AGENDA May 20, 2020

Tom Baker Meeting Room

3:30 p.m.

City-County Office Building

SPECIAL NOTICE ON PUBLIC ACCESS

Watch live meeting coverage on Government Access Channels 2 & 602HD, listen to Radio Access 102.5 FM Radio, or stream FreeTV.org and RadioAccess.org. Agenda items can be found at www.bismarcknd.gov/agendacenter.

Due to ongoing public health concerns related to COVID-19, the City of Bismarck is encouraging citizens to provide their comments via email to whutchings@bismarcknd.gov. The comments will be sent to the Historic Preservation Commission prior to the meeting and included in the minutes of the meeting. To ensure your comments are received and distributed prior to the meeting, please submit them by 12 noon on the day of the meeting and reference the agenda item your comment addresses.

If you would like to appear via video or audio link for the public input / comment section of the agenda, please provide your e-mail address and contact information to whutchings@bismarcknd.gov at least one business day before the meeting.

The physical meeting room will be open to the public, but we certainly understand the public

wishing to limit their exposure at this time, while still participating in government. Before entering the City-County Office Building, all individuals will be screened for COVID-19 symptoms or potential exposure. If unable to pass the screening protocol, they will be requested to participate in the meeting remotely, for the public's safety.

The number of participants attending in person, including the Historic Preservation Commission, will be physically limited in the Tom Baker Meeting Room to maintain social distancing by way of the following:

- Live simulcasting (video + audio) of the meeting on televisions in other parts of the City-County Office building.
- Admitting those making presentations to the Historic Preservation Commission into the Tom Baker Meeting Room when they are asked to present or offer public input and, when that agenda item is complete, inviting them to return to the hallway or other room to watch the remainder of the meeting while maintaining social distancing.



MINUTES

1. Consider approval of the minutes of the February 19, 2020 regular meeting of the Historic Preservation Commission.

(Staff Note: The meetings scheduled for March 18, 2020 and April 15, 2020 were cancelled due to lack of agenda items)

AGENDA

2. **Section 106 Review Participation**
 - a. Patterson Place (420 East Main Avenue).....1
 - b. Handicap Accessible Ramp (4419 Camden Loop).....38
 - c. Handicap Accessible Ramp (4525 Camden Loop).....41
 - d. Modification to Telecommunication Facility (600 East Boulevard Avenue).....44
3. **Historic Preservation Fund Grant Award and Highland Acres Survey Project....66**

OTHER BUSINESS

4. Discussion on Section 106 Review Participation
5. Public Input / Comments
6. Other Business

ADJOURNMENT

7. **Adjourn.** The next regular meeting date is scheduled for **June 17, 2020.**

Enclosures: Meeting Minutes of February 19, 2020



Community Development Department

MEMORANDUM

Section 106 Review Participation – Patterson Place (420 East Main Avenue)

TO: Chair Sakariassen and Historic Preservation Commission

FROM: Will Hutchings, Planner

DATE: May 14, 2020

The Historic Preservation Commission has elected to participate in Section 106 Reviews. The Historic Preservation Commission's role is to review the proposed project and the opinion provided by the cultural resource firm and provide a recommendation to the State Historic Preservation Office. Participation can also involve providing comments on the identification of historic properties, effects to historic properties, and ways to mitigate or avoid adverse effects to historic properties and districts.

Patterson Place Limited Partnership and Schuett Companies, Inc. are proposing renovations to Patterson Place, located at 420 East Main Avenue, and are seeking Federal Historic Tax Credits, thereby requiring Section 106 Review. This project has been reviewed by the Renaissance Zone Authority and was designated a Renaissance Zone Project by the Bismarck City Commission. The Renaissance Zone Authority, acting as the Downtown Design Review Committee, also reviewed an initial design on November 14, 2019 and reviewed the amended design on May 14, 2020 for conformance with the zoning ordinance



*The Patterson Building at 420 East Main Avenue
Staff Photo: November 2019*

provisions of the DC – Downtown Core and the Downtown Design Review Guidelines. Amendments to the proposed design have been made in response to feedback received from the National Park Service. At the time of writing this memo, the Renaissance Zone Authority had not taken action on the proposed amended design.

In January 2019, prior to the formation of the Bismarck Historic Preservation Commission, this project did undergo a Section 106 review for the proposed use of CDBG funding. Since then, the proposed



project scope has changed and the applicant is now proposing to use Federal Historic Tax credits, prompting a new Section 106, State Historic Preservation Office (SHPO) and National Park Service review. The SHPO's original review noted concurrence with the determination of No Adverse Effect and is now being reevaluated to coincide with the new project scope. A cultural resource firm has not submitted a determination, but it is anticipated that since this renovation is more historically appropriate than the submitted design from the first Section 106 review, there will be a determination of No Adverse Effect.

This rehabilitation project was intended to be reviewed at the March 18, 2020 meeting of the Historic Preservation Commission. The applicant withdrew the original request and that meeting was cancelled. This memorandum and accompanying attachments will detail the amended design only and all items detailed in the previous memorandum should be disregarded.

Historic Significance

The Patterson Place was constructed in 1910 as the McKenzie Hotel by businessman Edward G. Patterson. It sits on the northwest corner of the intersection of North Fifth Street and East Main Avenue at 420 East Main Avenue. The building was originally built with seven stories. Additional floors were added during subsequent expansions and renovations, bringing the total building height to ten stories today. This building is Individually Listed on the National Register of Historic Places (1976) and is also listed as a Contributing Resource to the Downtown Bismarck Historic District in the 2000 Historical Architectural Inventory and Evaluation of Downtown Bismarck. Excerpts from a copy of the Architectural Site Form (SITS# 32BL20) are attached to this memo, which detail the significance of this resource and photos of the resource from different periods over time.

Proposed Restoration

Façade Restoration

Exploratory work was conducted during the last week of October 2019 to determine the condition of the underlying material. The project will involve restoration or repair of the original masonry where it is currently present. The existing stucco will be removed where historic brick is present underneath on the south and east sides facing the streets. Some portions of the façade originate from a 1982 remodel and have no historic brick, including a majority of the top (10th) floor and elevator shafts on the west side of the building. Most of the stucco on the 10th floor will be retained where brick is not present beneath. The existing masonry will be lightly washed and tuck pointed where necessary.

Windows, Storefront, and Terrace

The applicant proposes to replace all windows on the building, including the aluminum windows that were installed in the upper story residential units during the 1982 remodel. The newer models will be more energy-efficient and historically accurate. Notes on the architectural plan set provided by the applicant state: "New Window – To match look of original double-hung windows as seen in *Historic Images, Typ. All Windows.*" The replacement windows on the upper floors will all be double hung. Window replacements on floors two (2) through seven (7) will be one (1) over one (1) pane configurations and floors eight (8) through ten (10) will be eight (8) over one (1) pane configurations. The style and pane configurations of these replacement windows match what was original to each

floor of the building and will be recessed from the primary façade in an historically appropriate manner. No details were provided indicating window specifications or materials. Staff is recommending that prior to SHPO's final determination, the applicant provides specifics about these replacement windows.

The aluminum storefronts on the south and east sides, which are from the same era, would be replaced to resemble an earlier design, including the use of leaded glass transom windows and unique material sills. A metal panel product will be used for the bulkhead at the base of the storefront. The new double doors will be recessed from the face of the building at least the width of the doorway to avoid swinging out into the sidewalk. Glass on the storefronts will be transparent.

A rooftop terrace will be added to the third-level on the west side of the building. The terrace will be used exclusively by residents and visitors, providing a green, outdoor, and private space. A new stairway at the rear of the terrace will be used for access. The terrace will be setback and not visible from the street. The existing cooling tower at the rear of this roof will also be replaced.

Rooftop Signs



Four rooftop signs in the 1920s



Three rooftop signs in the 1940s

The applicant is proposing the reintroduction of a rooftop sign to the building on the south side. The design for the proposed sign is shown in the attached submitted materials. The sign would be illuminated with internal bulb and channel letters.

Signs have been present in various forms through different phases of the building's history, as shown in the pictures above. Although the content and exact placement are different, the character of the proposed sign is intended to resemble the historic signs.

Rooftop signs are no longer permitted in the DC – Downtown Core zoning district, according to Section 4-04-09(4) (Specific Provisions for Downtown/Prohibited Signs). However, the ordinance grants authority to the Downtown Design Review Committee to waive certain provisions of the sign ordinance. The Downtown Design Review Committee approved the design including the depicted rooftop sign recognizing that the installation of a rooftop sign is part of a broader historic restoration project, and the sign may be considered a significant feature of the historic character of the building. Secondly, the Patterson building is an unofficial landmark for downtown Bismarck, and reimplementing a sign would complement and enhance that status.

Staff Recommended Action:

Review the submitted documentation for Section 106 review of the proposed rehabilitation project of the Patterson Place located at 420 East Main Avenue and complete the attached declaration of your findings for the State Historic Preservation Office.

Attachments:

- Excerpts from Architectural Plan Set
- Excerpts from Architectural Site Survey
- Declaration

MASONRY RESTORATION NOTES

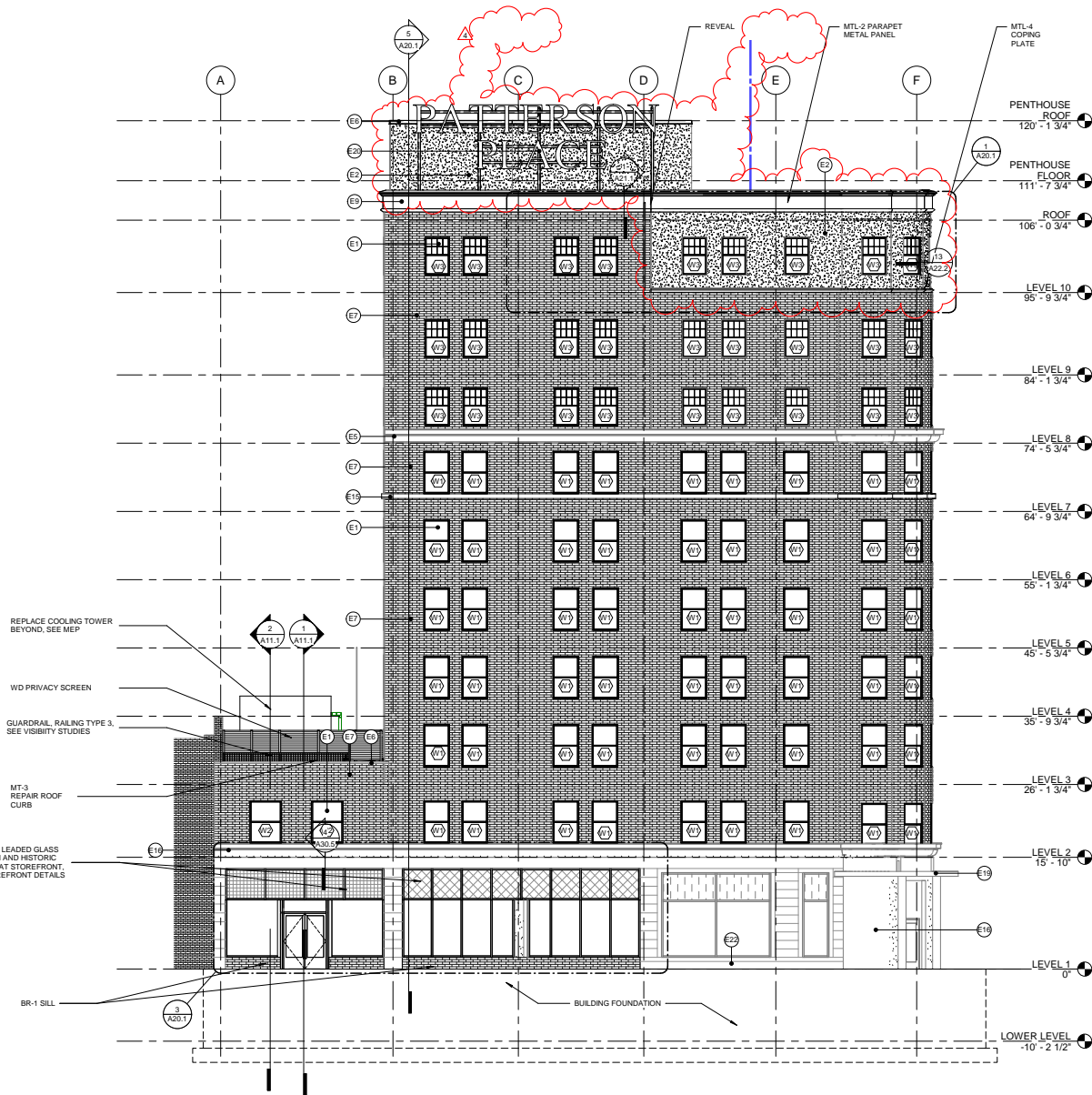
1. VERIFY EXTENTS OF EACH TYPE OF REPAIR OR RESTORATION BY PRODUCE A CONDITION SURVEY FOR REVIEW BY THE ARCHITECT.
2. PROPOSED DETAILS FOR FACADE RECONSTRUCTION, SUCH AS MULTI-WYTHE REBUILD, TO BE SUBMITTED TO STRUCTURAL ENGINEER FOR REVIEW.
3. PAINT ON EXISTING EXTERIOR MASONRY TO BE REMOVED PER APPROVED MOCK-UP.
4. PROVIDE MOCK-UP OF ALL MASONRY RESTORATION METHODS INCLUDING PROPOSED NEW BRICKS AND TUCK POINTING.
5. ALL MASONRY RESTORATION METHODS WILL BE ACCOMPLISHED IN ACCORDANCE WITH THE GUIDANCE PROVIDED IN THE PRESERVATION BRIEF.
6. MASONRY REPOINTING WILL BE ACCOMPLISHED IN ACCORDANCE WITH THE GUIDANCE PROVIDED IN THE PRESERVATION BRIEF.
7. 75% REPOINTING OF FACEBRICK.
8. BRICK TO BE REPAIRED AND REPLACED AS NEEDED.
- BASE BID TO PRICE 3% REPLACEMENT
- PROVIDE UNIT PRICE FOR REPLACEMENT, ADD OR DEDUCT
9. WINDOW LINTELS
- BASE BID TO PRICE 15% REPLACEMENT
- PROVIDE UNIT PRICE FOR REPLACEMENT, ADD OR DEDUCT
- REMOVE RUST AT UNDERSIDE OF LINTELS AND REPAINT
10. INFILL OPENINGS AT WEST FACADE WITH BLOCK AND FACE BRICK.
- NEW BRICK TO MATCH EXISTING BRICK.
11. TOOTH IN NEW BRICK WITH EXISTING BRICK.
12. EXISTING STONE AT GROUND LEVEL TO BE REPAIRED AND REPLACED AS NEEDED.
- BASE BID TO PRICE 10% REPLACEMENT
- PROVIDE UNIT PRICE FOR REPLACEMENT, ADD OR DEDUCT

EXTERIOR MATERIALS LEGEND

TAG	SPEC SECTION	MATERIAL DESCRIPTION
SF-1	08 41 13	ALUM FRAMED ENTRANCES, STOREFRONTS, AND VESTIBULES, TUBELIGHT VERSATHERM BASIS OF DESIGN
MTL-1	07 42 16	CURVED FRAMLESS STEEL METAL TILE - WITH MILLED FINISH AND LIGHT - BRONZE-GOLD COLOR - MILLENNIUM - FORWARD WALL - BASED ON DESIGN
MTL-2	07 42 15	CUSTOM PARAPET METAL PANEL
MTL-3	07 71 00	PREFINISHED METAL PARAPET CAP
MTL-4	07 71 00	PREFINISHED METAL COPING PLATE
WD-1	06 20 00	WESTERN RED CEDAR PRIVACY SCREEN
BR-1	04 20 00	GLAZED BRICK, PACIFIC CLAY BASIS OF DESIGN
SIFS-1	07 24 00	INSULATION & FINISH SYSTEM WITH - CONTINUOUS INSULATION - DRIVEN - OUTSULATION BASIS OF DESIGN

EXTERIOR KEYNOTES

- E1 NEW WINDOW - TO MATCH LOOK OF ORIGINAL DOUBLE HUNG WINDOWS AS SEEN IN HISTORIC IMAGES, TYP. ALL WINDOWS
- E2 PRESSURE WASH CLEAN, PATCH, AND PAINT EXISTING STUCCO.
- E3 NEW ROOF OF FLEECE BACK 60 MIL TPO IN LOW RISE FOAM INSTALLED DIRECTLY TO EXISTING ROOF. SEE EXTERIOR DETAILS.
- E5 REPAIR TIN FASCIA
- E6 REPAIR OR REPLACE COPING OR PARAPET CAP.
- E7 RESTORE, REPLACE, AND RETUCKPOINT ORIGINAL BRICK AND CONCRETE STRUCTURE. SEE MASONRY RESTORATION NARRATIVE
- E9 NEW CUSTOM DECORATIVE METAL PARAPET CAP
- E15 REPAIR STONE COPING
- E16 REPAIR STONE FASCIA
- E19 REPAIR ROOF AND CRACKING ON EXISTING CANOPY
- E20 NEW BUILDING SIGNAGE - SEE A12.1 FOR DETAILS
- E22 FAKE STONE TO BE REMOVED AND REPLACED WITH STONE MATCHING EXISTING ADJACENT STONE



3 SOUTH ELEVATION
A10.1 1/8" = 1'-0"



- ### MASONRY RESTORATION NOTES
1. VERIFY EXTENTS OF EACH TYPE OF REPAIR OR RESTORATION BY PRODUING A CONDITION SURVEY FOR REVIEW BY THE ARCHITECT.
 2. PROPOSED DETAILS FOR FACADE RECONSTRUCTION, SUCH AS MULTI WYTHE REBUILD, TO BE SUBMITTED TO STRUCTURAL ENGINEER FOR REVIEW.
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 7. 75% REPOINTING OF FACEBRICK
 8. BRICK TO BE REPAIRED AND REPLACED AS NEEDED.
- BASE BID TO PRICE 3% REPLACEMENT
- PROVIDE UNIT PRICE FOR REPLACEMENT ADD OR DEDUCT
 9. WINDOW UNTELS
- BASE BID TO PRICE 15% REPLACEMENT
- PROVIDE UNIT PRICE FOR REPLACEMENT, ADD OR DEDUCT
- REMOVE RUST AT UNDERSIDE OF UNTELS AND REPAINT
 10. INFILL OPENINGS AT WEST FACADE WITH BLOCK AND FACE BRICK.
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- BASE BID TO PRICE 10% REPLACEMENT
- BASE BID TO PRICE 10% REPAIR
- PROVIDE UNIT PRICE FOR REPLACEMENT, ADD OR DEDUCT

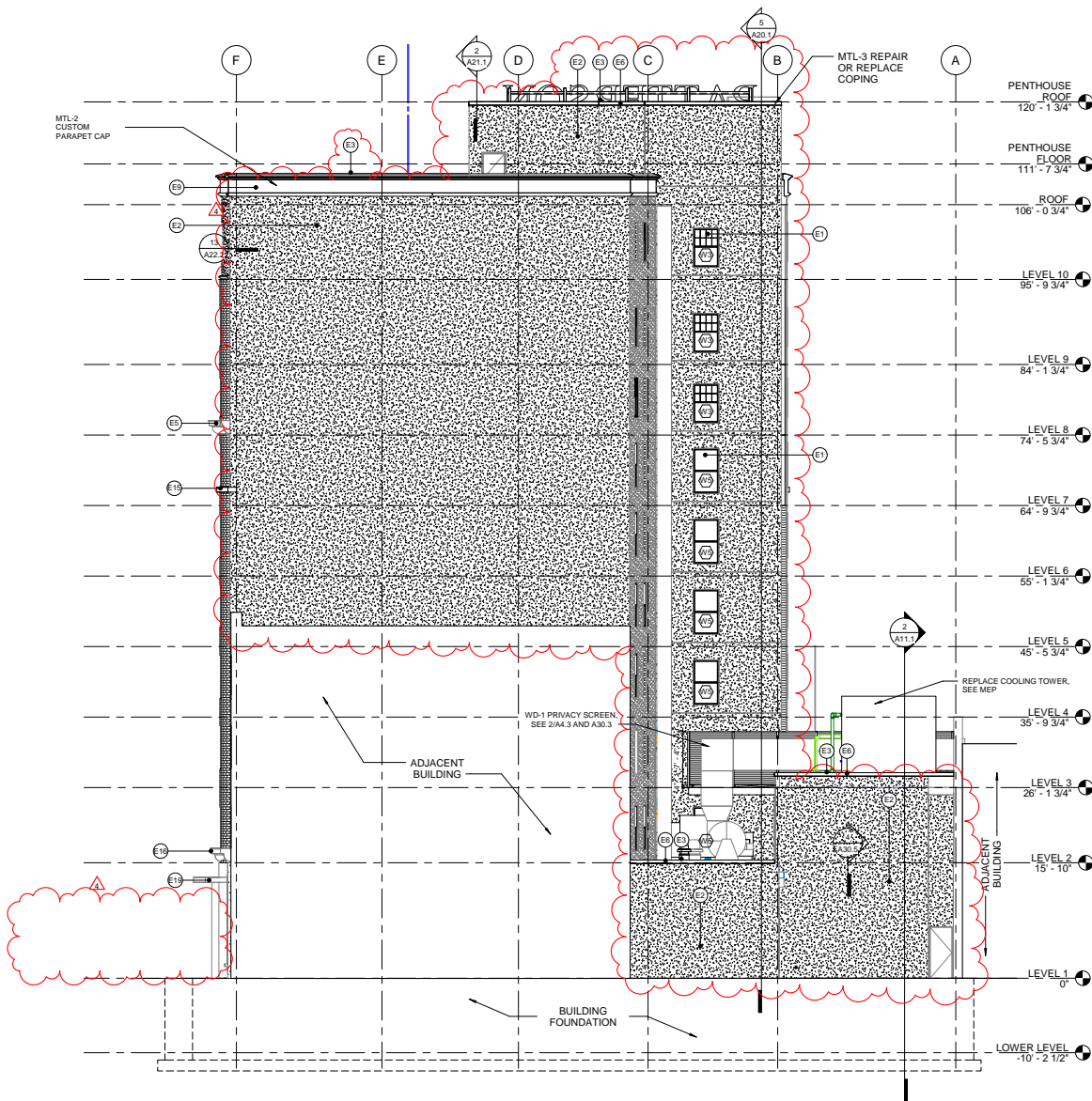
EXTERIOR MATERIALS LEGEND

TAG	SPEC SECTION	MATERIAL DESCRIPTION
SF-1	08 41 13	ALUM FRAMED ENTRANCES, STONEFRONTS, AND VESTIBULES, TUBELIGHT VERSATHERM BASIS OF DESIGN
MTL-1	07 42 46	CUPPED STAINLESS STEEL METAL TILE WITH MILD FINISH AND LIGHT-BRONZE/GOLD-COLOR, MILLENNIUM FORMS WALL-TILES BASIS OF DESIGN
MTL-2	07 42 15	CUSTOM PARAPET METAL PANEL
MTL-3	07 71 00	PREFINISHED METAL PARAPET WALL CAP
MTL-4	07 71 00	PREFINISHED METAL COPING PLATE
WD-1	06 20 00	WESTERN RED CEDAR PRIVACY SCREEN
BR-1	04 20 00	GLAZED BRICK, PACIFIC CLAY BASIS OF DESIGN
SFS-1	07 24 00	INSULATION & FINISH SYSTEM WITH CONTINUOUS INSULATION-BRICK INSULATION BASIS OF DESIGN

RESTORE ORIGINAL GLASS TRANSOM AND COMMERCIAL ENTRY

- ### EXTERIOR KEYNOTES
- E1 NEW WINDOW - TO MATCH LOOK OF ORIGINAL DOUBLE HUNG WINDOWS AS SEEN IN HISTORIC PHOTOS, TYP. AND WINDOW
 - E2 PRESSURE WASH CLEAN PATCH, AND PAINT EXISTING STUCCO.
 - E3 NEW ROOF OF FLEECE BACK 60 MIL TPO IN LOW RISE FOAM INSTALLED DIRECTLY TO EXISTING ROOF. SEE EXTERIOR DETAILS.
 - E4 REPAIR IN FASCIA.
 - E5 REPAIR OR REPLACE COPING OR PARAPET CAP.
 - E6 RESTORE, REPLACE, AND RETUCKPOINT ORIGINAL BRICK AND CONCRETE STRUCTURE - SEE MASONRY RESTORATION NARRATIVE
 - E7 NEW CUSTOM DECORATIVE METAL PARAPET CAP.
 - E8 REPAIR STONE COPING
 - E9 REPAIR STONE FASCIA
 - E10 REPAIR ROOF AND CRACKING ON EXISTING CANOPY
 - E20 NEW BUILDING SIGNAGE - SEE A12.1 FOR DETAILS
 - E22 FAKE STONE TO BE REMOVED AND REPLACED WITH STONE MATCHING EXISTING ADJACENT STONE.

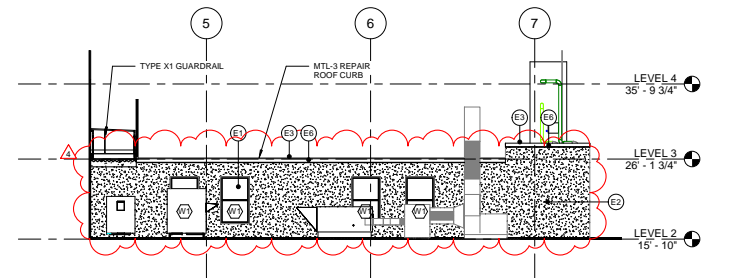
1 EAST ELEVATION
A10.2 1/8" = 1'-0"



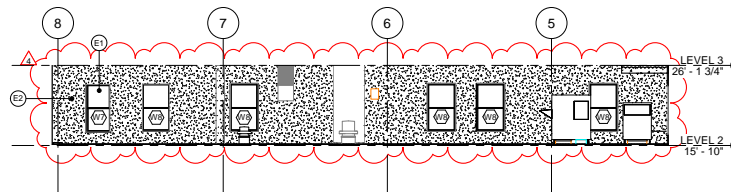
1 NORTH ELEVATION
A10.3 1/8" = 1'-0"

EXTERIOR MATERIALS LEGEND		
TAG	SPEC SECTION	MATERIAL DESCRIPTION
SP-1	08 41 13	ALUM. FRAMED ENTRANCES, STOREFRONTS, AND VESTIBULES, TUBELIGHT VERSATHERM BASIC OF DESIGN
MTL-1	07 42 16	CUSTOM FRAMED STEEL METAL TILE - WITH MILD FINISH AND LIGHT - BRONZE GOLD COLOR ALUMINUM - FORMING WALL - FRESHNESS OF DESIGN
MTL-2	07 42 15	CUSTOM PARAPET METAL PANEL
MTL-3	07 71 00	PREFINISHED METAL PARAPET WALL CAP
MTL-4	07 71 00	PREFINISHED METAL COPING PLATE
WD-1	06 20 00	WESTERN RED CEDAR PRIVACY SCREENS
BS-1	04 20 00	GLAZED BRICK, PACIFIC CLAY BASIS OF DESIGN
IFS-1	07 24 00	INSULATION & FINISH SYSTEM WITH - CONTINUOUS INSULATION SYSTEM - CONSULTATION BASIS OF DESIGN

EXTERIOR KEYNOTES		
E1	NEW WINDOW - TO MATCH LOOK OF ORIGINAL DOUBLE HUNG WINDOWS AS SEEN IN HISTORIC IMAGES, TYPE ALL WINDOWS	
E2	PRESSURE WASH CLEAN, PATCH, AND PAINT EXISTING STUCCO.	
E3	NEW ROOF OF FLEECE BACK 60 MIL TPO IN LOW RISE FOAM INSTALLED DIRECTLY TO EXISTING ROOF. SEE EXTERIOR DETAILS.	
E5	REPAIR TIN FASCIA	
E6	REPAIR OR REPLACE COPING OR PARAPET CAP.	
E7	RESTORE, REPLACE, AND RETUCKPOINT ORIGINAL BRICK AND CONCRETE STRUCTURE - SEE MASONRY RESTORATION NARRATIVE	
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2 EAST ELEVATION COMMUNITY ROOM
A10.3 1/8" = 1'-0"



3 WEST LEVEL 02 ELEVATION
A10.3 1/8" = 1'-0"

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CONTRACTOR
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Ph: 651-639-9606

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630 Mendota Heights Ave N,
Suite 107
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OWNER/DEVELOPER

PATTERSON PLACE
APPENDIX 4

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed Architect under the laws of the State of North Dakota.

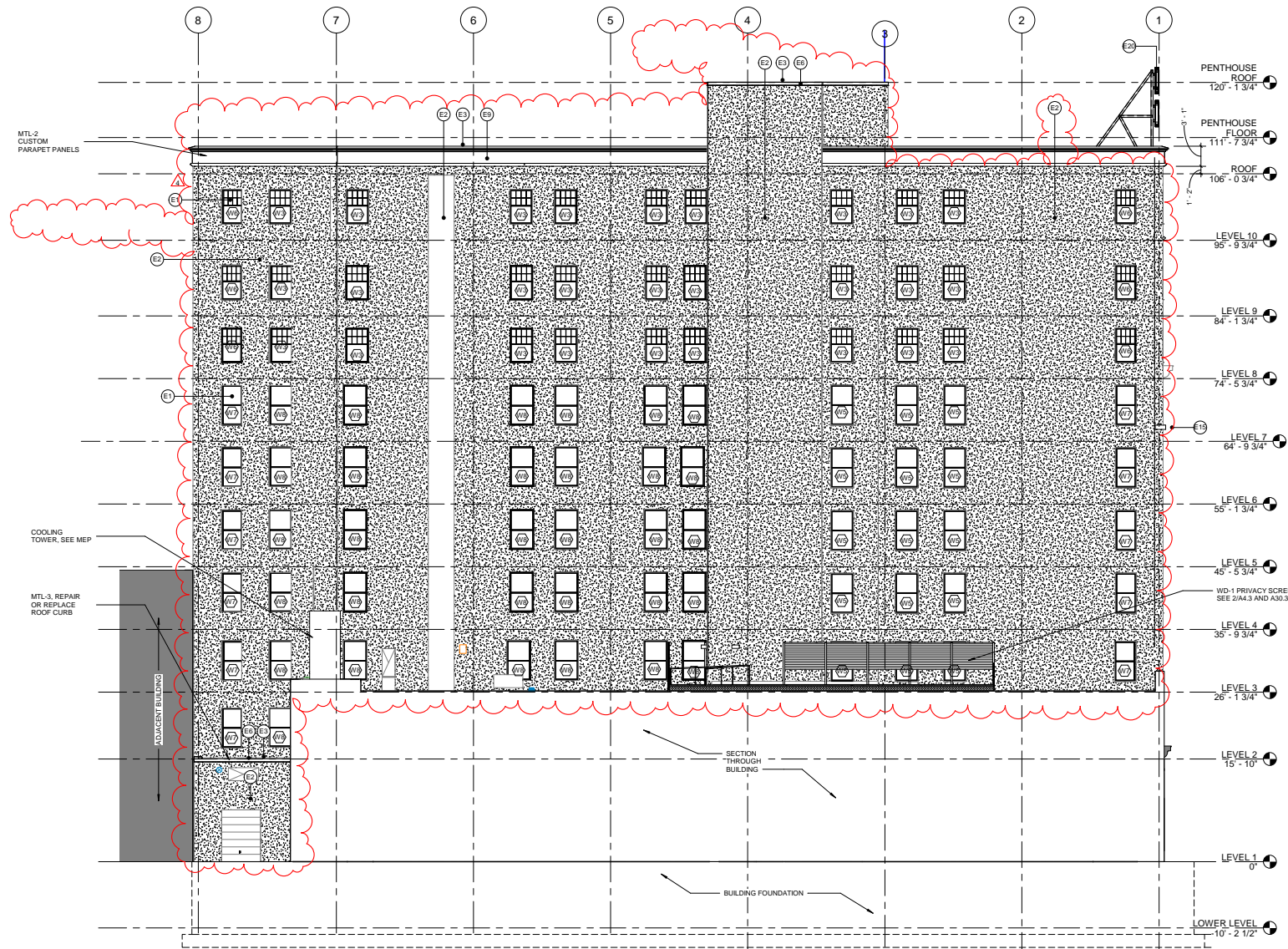
Name:
Alex Haacker, AIA
Signature:

License #: 2932
Date:

NO.	DATE	REVISION
1	10/1/2018	ISSUED FOR BID
2	11/1/2018	CONSTRUCTION
3	11/1/2018	CONSTRUCTION
4	11/1/2018	CONSTRUCTION
5	11/1/2018	CONSTRUCTION

EXTERIOR ELEVATIONS - NORTH

SHEET TITLE
A10.3
SHEET NO.



- MASONRY RESTORATION NOTES
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SF-1	08 41 13	ALUM. FRAMED ENTRANCES, STOREFRONTS, AND VESTIBULES, TUBELIGHT VERSATHERM BASIS OF DESIGN
MTL-1	07 42 16	CURVED STAINLESS STEEL METAL TILE WITH RECESSED FINISH AND CORNER BRONZE-GOLD-GOLDEN-MILLENNIUM-FORMS WALL-TILES BASIS OF DESIGN
MTL-2	07 42 15	CUSTOM PARAPET METAL PANEL
MTL-3	07 71 00	PREFINISHED METAL PARAPET WALL CAP
MTL-4	07 71 00	PREFINISHED METAL CORING PLATE
WD-1	06 20 00	WESTERN RED CEDAR PRIVACY SCREEN
BR-1	04 20 00	GLAZED BRICK, PACIFIC CLAY BASIS OF DESIGN
INS-1	07 24 00	INSULATION & FIBER-GLASS WOOD - CONTINUOUS INSULATION - DRYVIT - COUNTERSINK BASIS OF DESIGN

- EXTERIOR KEYNOTES
- E1 NEW WINDOW - TO MATCH LOOK OF ORIGINAL DOUBLE-HUNG WINDOWS AS SEEN IN HISTORIC IMAGES. TYP. SEE WINDOWS.
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AMH

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Ph: 763-541-9199

OWNER/DEVELOPER

PATTERSON PLACE
APPENDIX 4

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of North Dakota.

Name:
Alex Haacker, AIA

Signature:

License #: 2932

Date:

NO.	DATE
DESIGN SET	03.15.2018
DESIGNED FOR BID	04.10.2018
CONSTRUCTION	04.10.2018
ADDITIONAL	04.10.2018
ADDITIONAL	04.10.2018

EXTERIOR ELEVATIONS
- WEST

SHEET TITLE
A10.4

SHEET NO.

UP DATE

NDCRS SITE FORM ARCHITECTURAL SITES

Page 1

SITS # 32 BIL 1120

Field Code RT 11-1899-150

Site Name PIATTIERSONI HOTEL

Field Code

Site Name MICKENZIE HOTEL

Map Quad BISMARCKI

Map Quad

1. N½
2. E½
3. S½
4. W½
5. NE¼
6. SE¼
7. SW¼
8. NW¼
9. C

LTL	<input type="checkbox"/>	Twp	138	R	180	Sec	4	QQQ	16	QQ	15	Q	18
LTL	<input type="checkbox"/>	Twp		R		Sec		QQQ		QQ		Q	
LTL	<input type="checkbox"/>	Twp		R		Sec		QQQ		QQ		Q	
LTL	<input type="checkbox"/>	Twp		R		Sec		QQQ		QQ		Q	
LTL	<input type="checkbox"/>	Twp		R		Sec		QQQ		QQ		Q	
LTL	<input type="checkbox"/>	Twp		R		Sec		QQQ		QQ		Q	

City BISMARCKI

Street # 1422

Street #

Street Name

Street Name

MAIN AVENUE

of Features 1

☐ Feature #

☒ Feature Type

☐ Condition

☒ Construction Date

☐ Context *

☐ Feature Date

☒ Plan Shape *

☐ Structural System **

☐ Primary Exterior *

☒ Secondary Exterior

☐ Ethnic

☐ Style

☐ Architect/Builder

☒ Fieldwork Date

HERMAN KIRITZ Other Information

☐ Soil Association ☒ Ecozone ☒ Area Signf

☐ MS Number

☐ Soil Association ☐ Ecozone ☐ Area Signf

☐ MS Number

☒ CR Type ☐ Verified Site ☐ Non-Site

☒ E C F ☒ T F

☐ State Registry

☐ National Register

Coder Mary McCormick

Date Coded July 1999

Reconnaissance Survey X

Intensive Survey

Manuscript/Report Title: Inventory & Evaluation of Downtown Bismarck

Author (s): Mary McCormick, Renewable Technologies, Inc.

NDCRS ARCHITECTURAL SITE FORM

Page 1A

Field Code RTI-B99-50

Feature Number 1

SITS # 32BL20

DESCRIPTIVE SECTION

FOUNDATION TYPE

concrete

STORIES

9

ROOF TYPE/CORNICE

flat

WINDOW CONDITION

most original windows replaced, openings intact

DATING METHOD (S)

National Register Nomination Form

PRESERVATION RECOMMENDATION (check all that apply):

- 1) ☒ Individual Nomination 2) ☒ Contributes to a potential district
 3) ☐ No nomination potential 4) ☐ Will not contribute to a district
 5) ☐ Potential district not known at this time; feature would be a contributing element if neighboring properties constitute a district
 6) ☐ Thematic nomination potential 7) ☐ Component of historic site/landscape

- *****
 8) ☐ Feature has an important physical, spatial, functional, historic or architectural relationship to the site/complex/farmstead
 9) ☐ Moved: A) relocation occurred within historic period. B) recreates original site, orientation, landscape and spatial relationships. C) compatible in context with neighboring structures. D) relocation has damaged eligibility.
 10) ☐ Request comparative study of neighboring properties
 11) ☐ Historical associations require further investigation

DESCRIPTION/INTEGRITY/ELIGIBILITY:

The Patterson Hotel has been individually nominated to the National Register of Historic Places. It also ranks as a primary contributing element of the Downtown Bismarck Historic District.

The Downtown Bismarck Historic District encompasses a concentration of commercial, industrial, and public buildings in the city's historic core. The District is historically significant for its association with the growth and development of Bismarck from initial settlement activities at the townsite in the early 1870s until the 1953, the end of the historic period. The city has served as an important regional center for commercial, transportation, and civic activities almost since its founding. In addition, Bismarck's status as the territorial and state capital and the seat of Burleigh County has made it a hub of political and government activities for over a century. The District also has architectural merit, displaying a diverse continuum of construction methods and architectural designs typical of an emerging urban center in the American Plains.

Urban Legal Description East 150 feet of Lots 7-12, Block 48, Original Townsite

SEE CONTINUATION SHEET

3 28420

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICENATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM

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SEE INSTRUCTIONS IN HOW TO COMPLETE NATIONAL REGISTER FORMS
TYPE ALL ENTRIES -- COMPLETE APPLICABLE SECTIONS

1 NAME

HISTORIC

McKenzie Hotel

AND/OR COMMON

Patterson Hotel (Preferred)

138

T. 139 R. 80 Sec. 4 SE 1/4 NE 1/4 NW 1/4

2 LOCATION

STREET & NUMBER

422 East Main Avenue

CITY, TOWN

Bismarck

VICINITY OF

STATE

North Dakota

CODE

38

NOT FOR PUBLICATION

CONGRESSIONAL DISTRICT

1

COUNTY

Burleigh

CODE

015

3 CLASSIFICATION

CATEGORY

DISTRICT

X BUILDING(S)

STRUCTURE

SITE

OBJECT

OWNERSHIP

PUBLIC

X PRIVATE

BOTH

PUBLIC ACQUISITION

IN PROCESS

BEING CONSIDERED

STATUS

X OCCUPIED

UNOCCUPIED

WORK IN PROGRESS

ACCESSIBLE

X YES: RESTRICTED

YES: UNRESTRICTED

NO

PRESENT USE

AGRICULTURE

X COMMERCIAL

EDUCATIONAL

ENTERTAINMENT

GOVERNMENT

INDUSTRIAL

MILITARY

MUSEUM

PARK

X PRIVATE RESIDENCE

RELIGIOUS

SCIENTIFIC

TRANSPORTATION

OTHER:

4 OWNER OF PROPERTY

NAME

Rose Patterson Estate

STREET & NUMBER

422 East Main Avenue

CITY, TOWN

Bismarck

VICINITY OF

STATE

North Dakota 58501

5 LOCATION OF LEGAL DESCRIPTION

COURTHOUSE,
REGISTRY OF DEEDS, ETC.

Burleigh County Courthouse

STREET & NUMBER

514 East Thayer Avenue

CITY, TOWN

Bismarck

STATE

North Dakota 58501

6 REPRESENTATION IN EXISTING SURVEYS

TITLE

North Dakota Historic Sites Survey

DATE

1976

FEDERAL X STATE COUNTY LOCAL

DEPOSITORY FOR
SURVEY RECORDSState Historical Society of North Dakota
Liberty Memorial Building

CITY, TOWN

Bismarck

STATE

North Dakota 58505

7 DESCRIPTION

CONDITION

___EXCELLENT
X GOOD
___FAIR

___DETERIORATED
___RUINS
___UNEXPOSED

CHECK ONE

___UNALTERED
X ALTERED

CHECK ONE

X ORIGINAL SITE
___MOVED DATE _____

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

The Patterson Hotel as originally built was seven stories high with a frontage of 75 feet on Main Avenue and 150 feet on Fifth Street (south and east elevations, respectively). There are no loadbearing walls in the structure, which has a framework of steel-reinforced concrete with interior partitions and floors of cast concrete slabs. The facing of the second through the seventh stories is custom-made 12-inch bricks, backed with hollow clay tiles. The first story is overlaid with cream-colored Bedford stone and concrete, culminating in the enrichment of the diagonally placed main entrance which visually anchors the curved juncture of the street facades. A pair of polished granite engaged Doric columns on plinths support a full entablature above the doorway and are themselves flanked by decorative panels. The classical/fantastical theme of the latter is expressed by dolphins with blossoming acanthus-leaf tails framing a fruit-filled compote raised on a ribboned column. An ornamental iron balustrade originally enclosed the curved roof of the entrance but has been removed. Between the fifth and sixth stories, on both the Main Avenue and the Fifth Street facades and on the rounded corner between them, there are stone panels once lettered The McKenzie but now reading Ed Patterson, after the hotel's builder. In the original roof treatment, prior to the construction of additional stories, the conventionality of a galvanized metal cornice was carried to novel extremes of both scale and ornament. Massive consoles, braced by guttae and hung with swags, interrupted a dentiled molding to support at intervals a uniformly dense series of modillions. The latter in turn carried a projecting corona with its wave-molding surface topped by Greek antefixae.

In 1920 a roof garden was built atop the seventh floor of the hotel, with the dance floor enlarged and an enclosed dining room added the following year. An eighth floor was walled and roofed over in 1924 but not completed until after 1930, when a ninth floor was also added following occupancy of the second floor by state offices displaced by the burning of the North Dakota Capitol. A partial tenth floor constructed during the 1930's includes two rooms for public entertainment: the Sky Room and the Tiptop Lounge. Both feature interior neon lighting, with an especially colorful scheme in the Sky Room consisting of recessed and diffused ceiling fixtures which alternately glow red, pink and silver. Two elevator towers (passenger and freight) dominate the roofline, with two penthouses occupying the upper stories of the south (passenger elevator) tower..

After 1913 a 2-story addition was built on the west elevation of the hotel. The drugstore which occupied the street level of the addition continued the pattern of mixed use originally established in the hotel block by a store in the west end of the Main Avenue facade and various shops in the basement. Following Prohibition, the first floor of the addition was remodeled into the Peacock Alley Bar and Grill, which acknowledged the contemporary Art Deco style in its glass block facade and the cubistic flavor of its bar appointments and painted walls. Under a more prosaic name, the Patterson Bar and Lounge still operates, but the impact of its 1930's décor has been diminished by changes over the years.

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CONTINUATION SHEET

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The first floor interior of the hotel has two major public spaces, both of which appear nearly as built: the lobby and the dining room. The former, measuring 36 by 64 feet, features large plate glass windows with transoms of stained leaded glass, beveled and etched. The flooring is terra cotta; the walls consist of murals, gilt cornices, and buff-colored Kasota marble wainscoting; and the wood finish in mahogany. Square columns and pilasters support gilt-edged beams and are themselves embellished with gilt Ionic capitals and mahogany-framed mirrors at eye level. The ceiling, formerly gilt-painted burlap, is now green. The clerk's desk was at first located on the west wall but has been moved to the north wall, adjacent to the dining room. The latter is 42 by 56 feet, and its décor coordinated with that of the lobby in terms of tile flooring, murals, and mirrored Ionic columns and pilasters supporting beams. Plate glass mirrors above mahogany wainscoting encompass the room, with the brilliance of the effect augmented by leaded glass panels in the doors between dining room and lobby. The square dining tables for four are original, as is the earliest of three increments of bentwood side chairs, imported from Austria. Whereas the lobby chandeliers are new (replacing circular fluorescent fixtures which in turn replaced chandeliers installed when the hotel was built), the six brass and crystal dining room chandeliers, as well as the small wall lamps, are original. Both dining room and lobby are overlooked by a mezzanine, now partially converted to hotel offices but formerly serving as a writing area. On the dining room (north) wall of the mezzanine are leaded glass casement windows which match the glass dining room doors directly below and which, when opened, permit the use of the mezzanine as a musicians' gallery.

The main stairway of the hotel, a half-turn with landings leading up from the northwest corner of the lobby, is built of Kasota marble with brass balustrade. In the layout of the upper floors (which includes hallways 12 feet wide, 116 transient rooms, and 30 apartments), the optimum accommodations are the 8 suites on floors two through nine which occupy the rounded corner locations at Main Avenue and Fifth Street. Of these, the suites on the second and third floors are the most notable, with Suite 200 being a former setting for political caucuses but presently the offices of a local attorney. The parlor therein is approximately 21 feet square, with a brick fireplace in the southwest corner and a later enlargement to the alcove originally provided by the rounded wall construction. The same alteration occurred in Suite 300, directly above, where a screened balcony was brick-enclosed. The plan of Suite 300, which was the living quarters of Edward G. Patterson, also includes a circular foyer, parlor, dining room, bedroom, bathroom, office, and kitchen with pantry. The décor repeats that of the formal areas of the hotel in the extensive use of mahogany trim and beveled, mirrored glass.

8 SIGNIFICANCE

ONLY

PERIOD

AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW

<input type="checkbox"/> PREHISTORIC	<input type="checkbox"/> ARCHEOLOGY-PREHISTORIC	<input type="checkbox"/> COMMUNITY PLANNING	<input type="checkbox"/> LANDSCAPE ARCHITECTURE	<input type="checkbox"/> RELIGION
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> ARCHEOLOGY-HISTORIC	<input type="checkbox"/> CONSERVATION	<input type="checkbox"/> LAW	<input type="checkbox"/> SCIENCE
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> ECONOMICS	<input type="checkbox"/> LITERATURE	<input type="checkbox"/> SCULPTURE
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> ARCHITECTURE	<input type="checkbox"/> EDUCATION	<input type="checkbox"/> MILITARY	<input type="checkbox"/> SOCIAL/HUMANITARIAN
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> ART	<input checked="" type="checkbox"/> ENGINEERING	<input type="checkbox"/> MUSIC	<input type="checkbox"/> THEATER
<input type="checkbox"/> 1800-1899	<input type="checkbox"/> COMMERCE	<input type="checkbox"/> EXPLORATION/SETTLEMENT	<input type="checkbox"/> PHILOSOPHY	<input type="checkbox"/> TRANSPORTATION
<input checked="" type="checkbox"/> 1900-	<input type="checkbox"/> COMMUNICATIONS	<input type="checkbox"/> INDUSTRY	<input checked="" type="checkbox"/> POLITICS/GOVERNMENT	<input checked="" type="checkbox"/> OTHER (SPECIFY) Services
		<input type="checkbox"/> INVENTION		

SPECIFIC DATES

1910

BUILDER/ARCHITECT

Edward G. Patterson (Builder)
Herman Kretz (Architect)

STATEMENT OF SIGNIFICANCE

For over 65 of Bismarck's 103 years of existence, the central business district of the city has been dominated by the Patterson Hotel, which at the time it was erected was the tallest building in North Dakota. It was the first project in the state to exploit the technology of steel-reinforced concrete and thus represents an innovative feat of structural engineering. As first executed, it was also identifiable as an adaptation of the late nineteenth century skyscraper form refined by Louis Sullivan. In proportions (length greater than height) and curved projecting corner, the original configuration of the Patterson bore a resemblance to Sullivan's Schlesinger and Mayer Building (Carson, Pirie, Scott and Company), Chicago, 1894. The hotel also illustrated Sullivan's early analogy of the skyscraper to a free-standing classical column composed of base (lobby and shops); shaft (stacked offices); and capital (embellished attic story). Sullivan's emphasis on architectural ornament was detectable in the dolphin panels and cornice of the hotel, although the bizarre aspects of these elements and their lack of organic, structural validity derived not from Sullivan but presumably were attributable to Edward G. Patterson and his architect, Herman Kretz of St. Paul.

The Patterson Hotel survives as a monument to the ambitions of its builder, one of North Dakota's most active pioneer entrepreneurs and political figures, and to the social and governmental practices of a past era. Edward G. Patterson (1866-1954), a native of Cleveland, Ohio, came to Bismarck in 1882, working first as a barber and later engaging in real estate activities. In 1893 he leased the Sheridan House, then Bismarck's principal hotel and its unofficial political headquarters since 1883, when the city was made the capital of Dakota Territory. In 1900, in order to make way for a new Northern Pacific Railway depot, the Sheridan House was moved from its location on the southwest corner of Main Avenue and Fifth Street to the southeast corner of the same intersection (and diagonally across from the future site of the Patterson Hotel). The 1877 frame building was then brick-veneered and opened by Patterson as the Northwest Hotel. It served as the headquarters of the Nonpartisan League (a product of the agrarian reform movement) from 1917 until it was destroyed by fire in 1921. In 1906 Patterson built the Soo Hotel (then the only 4-story structure in Bismarck) on the west side of Fifth Street between Main Avenue and Broadway; it is still a property of the Patterson estate, now operated as the Dakotan Hotel.

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The Patterson Hotel was built in 1910, opening for business on January 1, 1911, in time for the state legislative session that year. The name was originally the McKenzie Hotel, in honor of political figure Alexander McKenzie (1849-1922), Patterson's close friend. McKenzie, sheriff of Burleigh County and alleged agent for the interests of the Northern Pacific Railway Company, had been instrumental in the removal of the capital of Dakota Territory from Yankton (now in South Dakota) to Bismarck. Patterson came to be known as one of his most trusted lieutenants, having come in contact with McKenzie in the course of political activities of his own which had begun in 1892. That year Patterson became alderman from Bismarck's first ward, and two years later he was elected alderman from the fourth ward. The latter included the Sheridan House and became the power base for Patterson's future political endeavors because from it he could deliver the votes. He served three terms as mayor of Bismarck, 1896-1902, and was regularly elected to the city council until 1909, when Bismarck adopted the commission form of government in which commissioners were elected at large rather than from wards. Patterson lost the 1909 election but won a 4-year commission seat two years later. He had also broadened his interests to county government by 1906, when he was elected to the Burleigh County Commission. He was re-elected regularly and served continuously through 1926, acting as chairman for many of those years. Following an intensely bitter county election campaign in 1922 and the deaths of Alexander McKenzie that same year and Patterson's first wife, Agatha Slattery Patterson, in 1923, Patterson's interest in politics waned. He devoted his remaining years to operating his hotels and an 1800-acre ranch east of Bismarck.

Although the relationship of the Patterson Hotel to the politics of its time and place was initially established by the identity of its builder, the hotel ultimately assumed, within a larger political context, a role exceeding Patterson's own sphere of influence and lasting even after his death. The Nonpartisan League, for example, transferred its headquarters to the Patterson from the Northwest Hotel after the latter burned. A convention hall in the second story of a Main Avenue commercial block built by Patterson in 1906 and connecting with the Patterson Hotel on the west was recognized as the League's domain. It was ruled by future North Dakota governor and United States senator William ("Wild Bill") Langer (1886-1959), the League's most celebrated and controversial spokesman. After the 1883 North Dakota State Capitol burned in 1930, and in the two years before completion of the present Capitol, a number of state officers rented space in the Patterson Hotel, including the Attorney General, Commissioner of Immigration, Superintendent of Public Instruction, and Commissioner of Agriculture and Labor. The House Appropriations Committee continued to meet in the Patterson's Gold Room, a basement banquet

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facility, for many years, and the Senate Appropriations Committee rented Suite 200, locally known as "the decision-making room," in the 1940's and early 1950's. Because so much of North Dakota's future was determined at political conclaves held at the Patterson, it eventually became identified in the public mind as something of an extension of the Capitol. The correlation was confirmed by one interviewee of the current North Dakota Oral History Project, who recalled that "You could always tell what went on at the Capitol by what had gone on the night before at the Patterson." (Interview with Ed Haag, Fredonia, Logan County, North Dakota; February 9, 1974; Tape Number 11, State Historical Society of North Dakota.)

From the time of its construction, the Patterson Hotel has occupied a prominent place in the social as well as the political milieu of Bismarck and North Dakota. In the 1920's its famous roof garden was advertised as the only such facility for dining and dancing between Minneapolis-St. Paul and the west coast. Public balls with elaborate menus, as well as private parties and banquets, filled the hotel's schedule, and over the years a succession of famous guests was entertained, including Theodore Roosevelt, Calvin Coolidge, Al Jolson, Jack Dempsey, Joe Louis, Lyndon B. Johnson, and John F. Kennedy. For thirty years after his death, until her own in 1975, Patterson's second wife, Rose Judge Patterson, operated the hotel, although on a diminishing scale dictated by changing economic conditions. Her heirs are presently directing a general refurbishing of the building, including the conversion of some transient rooms to apartments and repairs to the electrical and plumbing systems. Their aim is not only to restore the viability of a commercial enterprise, but also to insure the continued existence of an architectural and historic landmark.

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PAGE 6a

McKenzie Hotel/Patterson Hotel, Bismarck, North Dakota.

Amendment: The name of the McKenzie Hotel was changed to the Patterson Hotel in 1928.

North Dakota History in Photos: The Patterson Hotel

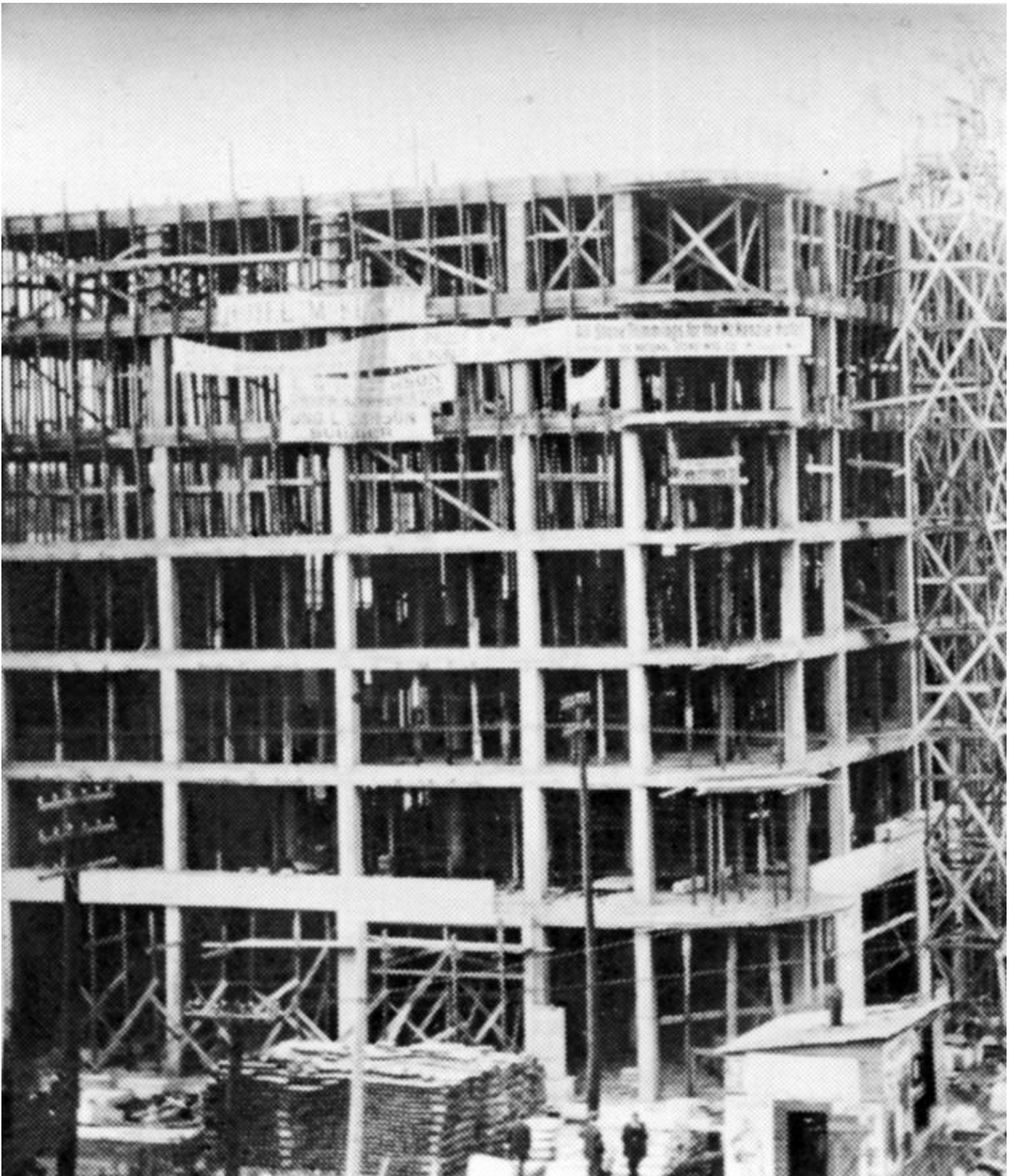
- Aug 8, 2014, https://bismarcktribune.com/gallery/north-dakota-history-in-photos-the-patterson-hotel/collection_277fe248-0509-11e7-aeef-07c107054497.html#1



The Patterson Hotel soon after it was completed and opened for business in 1911.



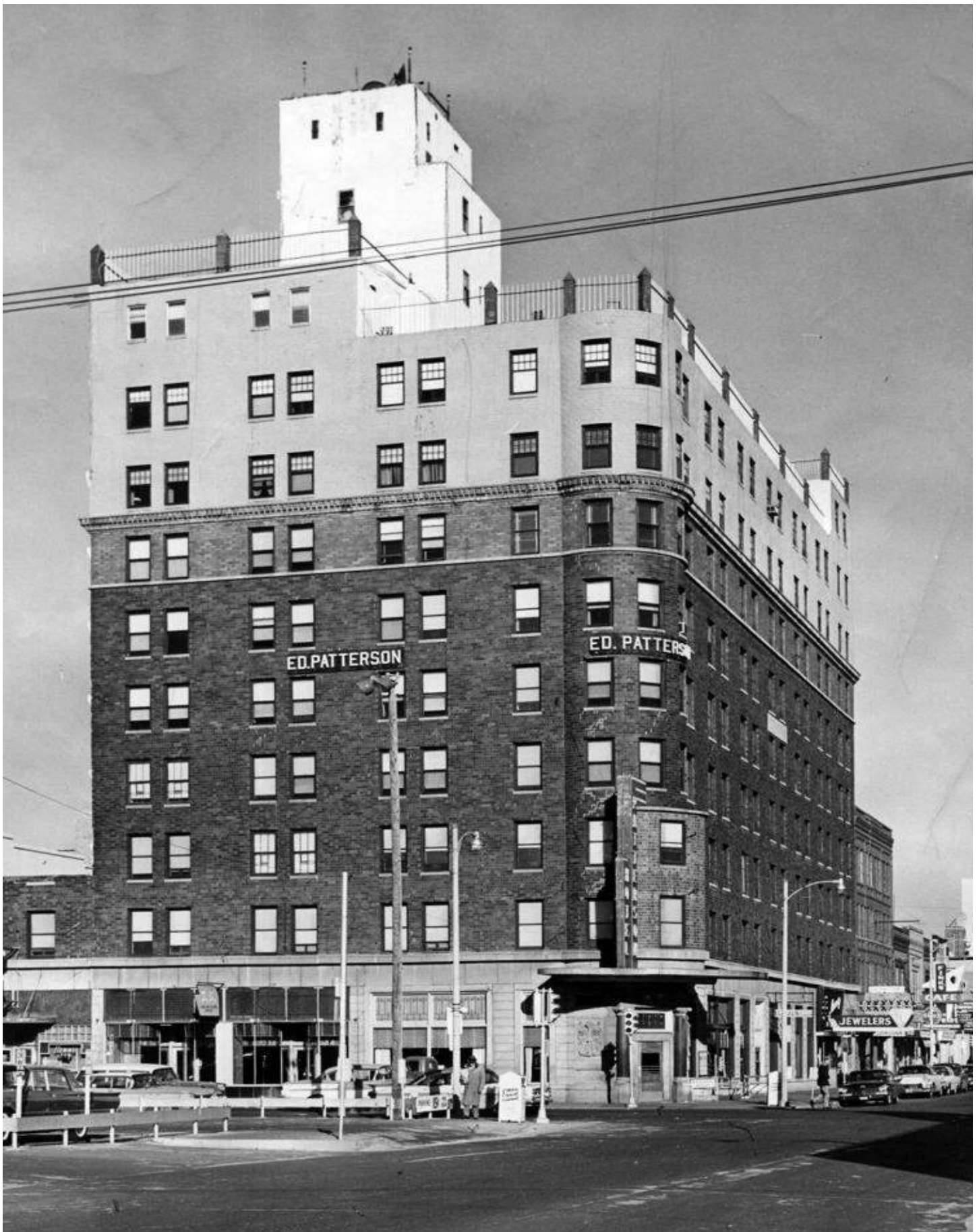
Patterson Hotel photo courtesy of McKenzie Hotel Associates



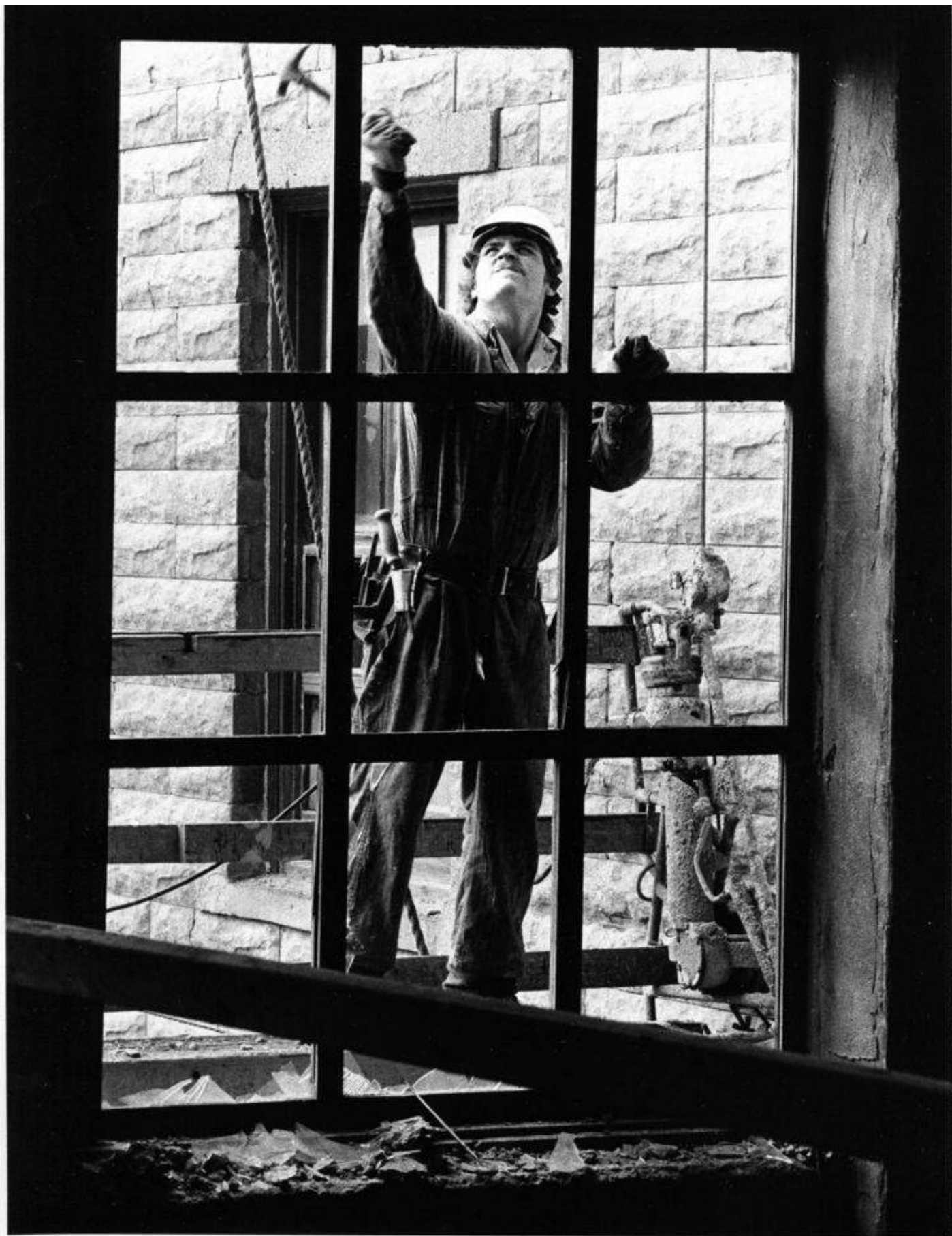
Construction of Hotel McKenzie later the Patterson Hotel around 1910



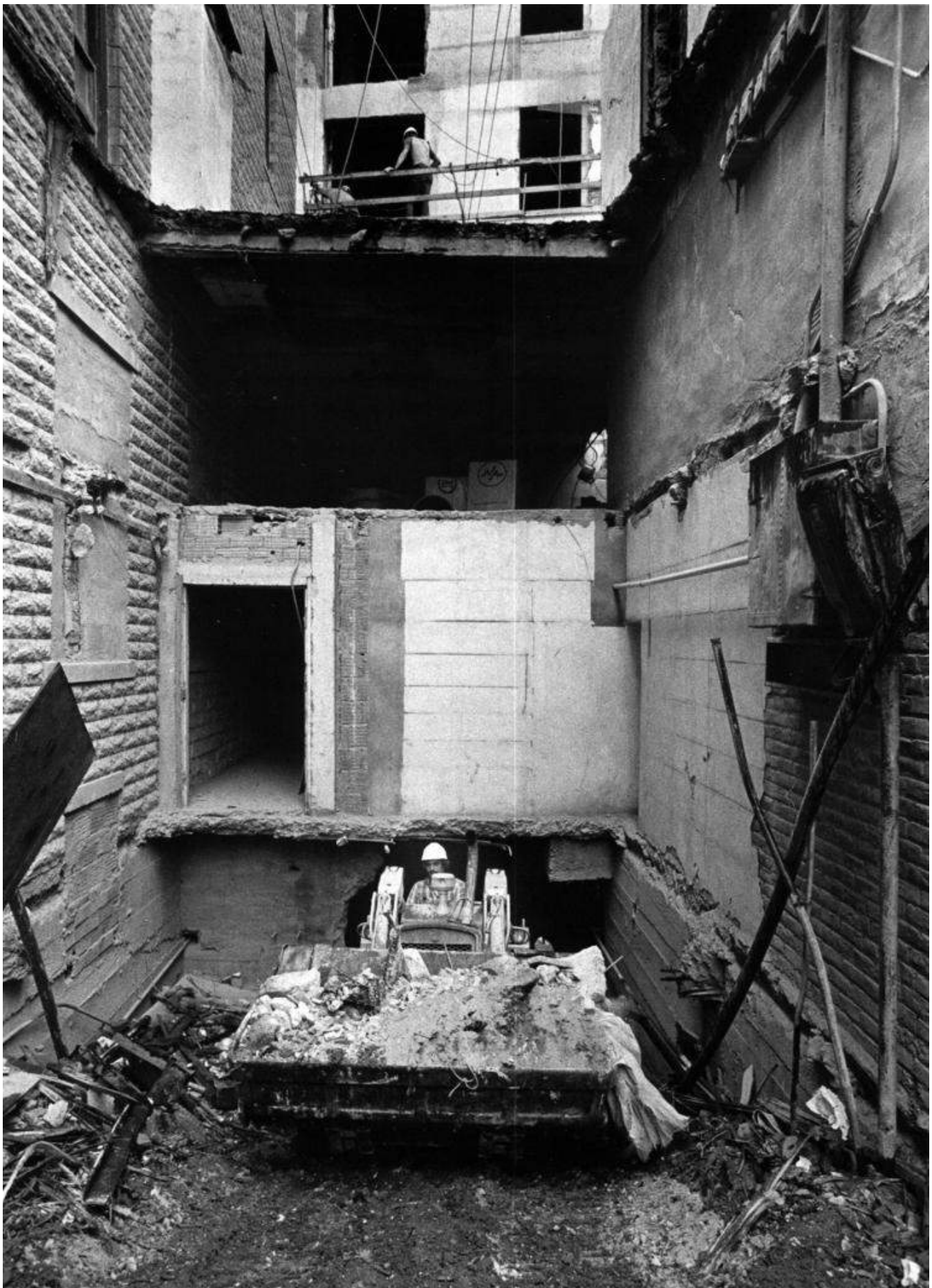
Patterson Hotel in December of 1953.



Patterson Hotel in January of 1961.



Old window frames are knocked out before new aluminum frames are installed in each apartment at Patterson Place. September 26, 1982.



Rubble is removed at Patterson Place. September 26, 1982



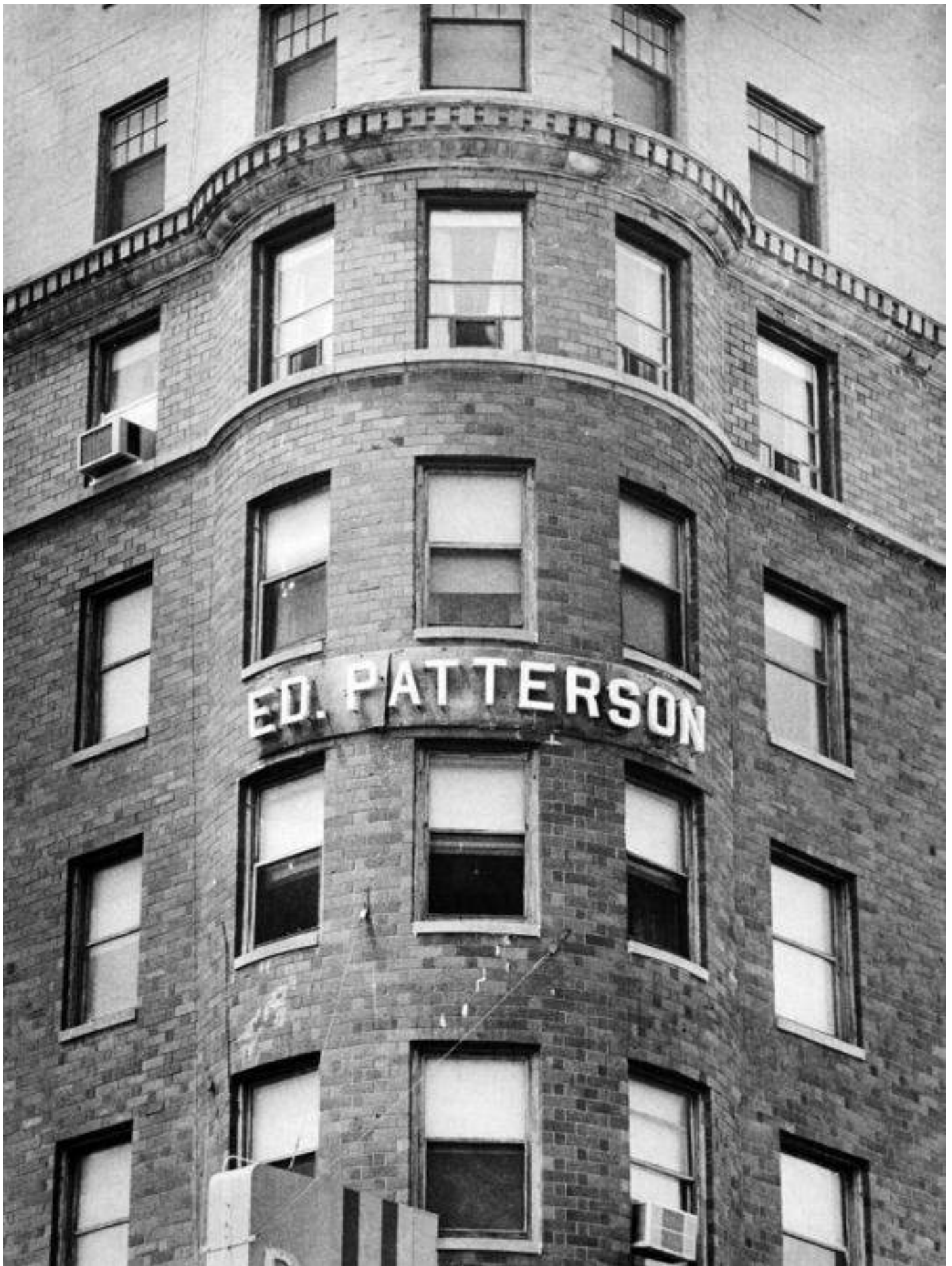
Workers hauling building material in and debris out of the Patterson Hotel. December 26, 1982.



A flag flies atop the crane being used on the Patterson remodeling project as empty streets and a setting sun marks the beginning of the 4th of July weekend. July 2, 1982



Bismarck Fire Department units respond around 7:00 PM to a small fire on the 5th floor of the Patterson Hotel. Possibly started by a workman's torch. July 9, 1982



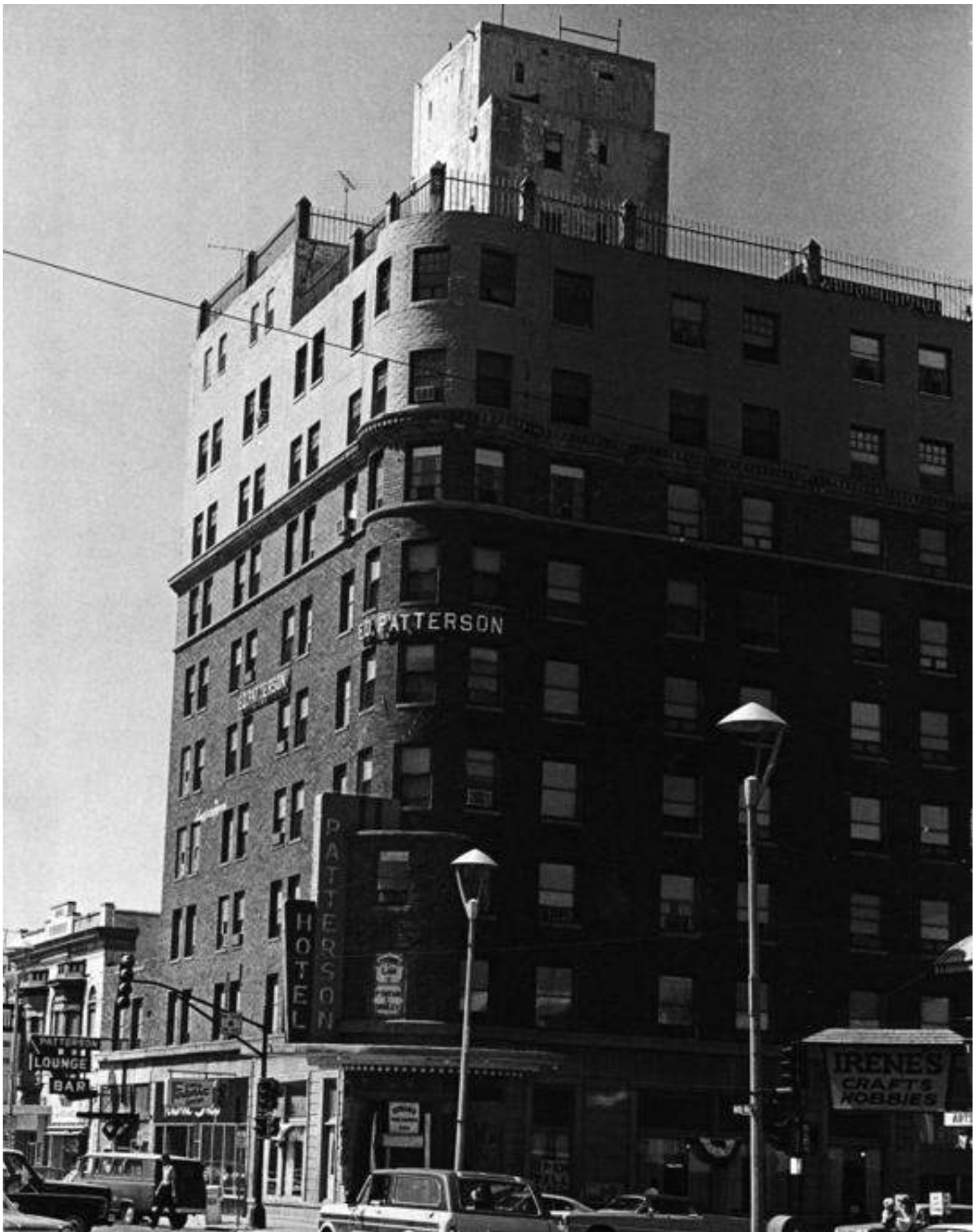
Patterson Hotel July 3, 1975



Patterson Hotel July 3, 1978



Bismarck firefighters enter the 5th floor of the old Patterson Hotel building. July 9, 1982



Patterson Hotel August 17, 1976



Bismarck firefighters watch from the street as fellow firefighters enter and exit the Patterson Hotel building on the 5th floor.
July 9, 1982



Patterson Hotel August 17, 1976



Patterson Hotel August 24, 1982



Patterson Hotel August 8, 1982



Patterson Hotel August 17, 1982



Community Development Department

DECLARATION

The City of Bismarck - Historic Preservation Commission has been advised of the proposed rehabilitation work at **Patterson Place – 420 East Main Avenue** and hereby (AGREE) (DISAGREE) with a determination that there are no adverse effects.

Additional Comments:

Amy Sakariassen, Chair
Bismarck Historic Preservation Commission

Dated: _____





Community Development Department

MEMORANDUM

Section 106 Review Participation – 4419 Camden Loop

TO: Chair Sakariassen and Historic Preservation Commission

FROM: Will Hutchings, Planner

DATE: May 14, 2020

The Historic Preservation Commission has elected to participate in Section 106 Reviews. The Historic Preservation Commission's role is to review the proposed project and the opinion provided by the cultural resource firm and provide a recommendation to the State Historic Preservation Office. Participation can also involve providing comments on the identification of historic properties, effects to historic properties, and ways to mitigate or avoid adverse effects to historic properties and districts.

The City of Bismarck was recently copied on a Section 106 review. The proposed project is for the construction of a ramp to improve accessibility. The ramp will be attached to a manufactured home constructed in 1993 and will be funded from Community Development Block Grants administered from the City of Bismarck.

Because the age of the structure at this location is less than 50 years of age, the State Historic Preservation Office is anticipated to issue a determination of No Historic Properties Affected.



Staff Photo May 2020

Staff Recommended Action:

Review the submitted documentation for Section 106 review of the proposed installation of a handicap accessible ramp for the manufactured home at 4419 Camden Loop and complete the attached declaration of your finding for the State Historic Preservation Office.

Attachments:

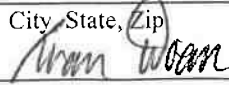
- Section 106 Clearance
- Declaration



SECTION 106 CLEARANCE

NORTH DAKOTA DEPARTMENT OF COMMERCE/DCS

SFN 52654 (12/14)

THIS FORM MUST BE SUBMITTED TO THE SHPO FOR SECTION 106 DETERMINATIONS	
Identify funding source for project(s): Community Development Block Grant from City of Bismarck	
Project Description: (use attachment if necessary) Construction of a handicap accessible ramp for a disabled individual. Ramp will be attached to a 1993 manufactured home (see picture).	
Location: Rural Areas: Township _____, Range _____, Section _____, ¼ Section _____ Cities - Street Address 4419 Camden Loop, Bismarck, ND 58503 (Only if there is no street system, use lot, block and addition (never USPS Box #, Route #, etc.))	
Attach Map: Plot APE on map (city map or USGS topographic map for rural areas): Attached: <input type="checkbox"/> (check)	
Areas Indirectly Affected: Attached location and maps for affected areas outside APE, (i.e., borrow sources, disposal areas, relocation sites, facilities to be abandoned, etc.)	
Year Built: 1993 (use the oldest part of the building, do not give age as "50"+)	
Requirements for buildings/structures 50+ years or if age unknown: Digital or 35mm photos: Take obliquely (showing front & side) of each building/structure. If rehabilitation is involved, send photo close-ups of affected areas such as windows or doors. <u>Send actual photos, not photocopies.</u> <input type="checkbox"/> (check) Historic Associations: Describe associations between the property and any persons/events of historic significance. List references (local historian, centennial book, etc.) N/A	
Based on the information collected, the type of SHPO concurrence you are requesting (check one only): <input type="checkbox"/> No Historic Properties Affected <input type="checkbox"/> No Adverse Effect (If rehab of historic properties will occur, review the Secretary of Interiors Standards for Rehabilitation of Historic Properties prior to developing a work plan. Note - For Historic Properties, a No Adverse Effect determination requires conforming with the Secretary of Interiors Standards.) <input type="checkbox"/> Adverse determination Effect (A MOA will be prepared)	
FOR SHPO USE ONLY: No Historic Properties Affected The described undertaking will not affect any historic properties, per 36CFR800.4(d). If the project description changes, this recommendation is void. Review and Compliance Coordinator _____ for Claudia J. Berg, ND SHPO Date _____ In Response Please Reference: SHPO# _____	
Additional Information: Send additional information relevant to the Section 106 determination. If the project involves properties listed on, or eligible for the National Register, additional information may be required. Send form with all attachments to: Ms. Claudia J. Berg Attn: Review and Compliance ND State Historic Preservation Office 612 E. Boulevard Ave. Bismarck, ND 58505-0830	Form should be returned to: Tran Doan Name Community Action Program Region VII, Inc 258-2240 Agency & Phone Number 2105 Lee Avenue Address Bismarck, ND 58504 City, State, Zip <div style="display: flex; justify-content: space-between;"> <div> Signature  </div> <div> Date 4/29/2020 </div> </div>



Community Development Department

DECLARATION

The City of Bismarck - Historic Preservation Commission has been advised of the proposed installation of a wheelchair ramp for the property located at 4419 Camden Loop and hereby (AGREE) (DISAGREE) with the North Dakota State Historic Preservation Office determination of No Historic Properties Affected.

If the Bismarck Historic Preservation Commission did not agree, please see the following listed reasons:

Amy Sakariassen, Chair
Bismarck Historic Preservation Commission

Dated: _____





Community Development Department

MEMORANDUM

Section 106 Review Participation – 4525 Camden Loop

TO: Chair Sakariassen and Historic Preservation Commission

FROM: Will Hutchings, Planner

DATE: May 14, 2020

The Historic Preservation Commission has elected to participate in Section 106 Reviews. The Historic Preservation Commission's role is to review the proposed project and the opinion provided by the cultural resource firm and provide a recommendation to the State Historic Preservation Office. Participation can also involve providing comments on the identification of historic properties, effects to historic properties, and ways to mitigate or avoid adverse effects to historic properties and districts.

The City of Bismarck was recently copied on a Section 106 review. The proposed project is for the construction of a ramp to increase accessibility to the home. The ramp will be attached to a manufactured home constructed in 1995 and will be funded from Community Development Block Grants administered by the City of Bismarck.

Because the age of the structure at this location is less than 50 years of age, the State Historic Preservation Office is anticipated to issue a determination of No Historic Properties Affected.



*4525 Camden Loop
Staff Photo May 2020*

Staff Recommended Action:

Review the submitted documentation for Section 106 review of the proposed installation of a handicap accessible ramp for the manufactured home at 4525 Camden Loop and complete the attached declaration of your finding for the State Historic Preservation Office.

Attachments:

- Section 106 Clearance
- Declaration



SECTION 106 CLEARANCE

NORTH DAKOTA DEPARTMENT OF COMMERCE/DCS

SFN 52654 (12/14)

THIS FORM MUST BE SUBMITTED TO THE SHPO FOR SECTION 106 DETERMINATIONS	
Identify funding source for project(s): Community Development Block Grant from City of Bismarck	
Project Description: (use attachment if necessary) Construction of a handicap accessible ramp for a disabled individual. Ramp will be attached to a 1995 manufactured home (see picture).	
Location: Rural Areas: Township _____, Range _____, Section _____, ¼ Section _____ Cities - Street Address 4525 Camden Loop, Bismarck, ND 58503 (Only if there is no street system, use lot, block and addition (never USPS Box #, Route #, etc.))	
Attach Map: Plot APE on map (city map or USGS topographic map for rural areas): Attached: <input type="checkbox"/> (check)	
Areas Indirectly Affected: Attached location and maps for affected areas outside APE, (i.e., borrow sources, disposal areas, relocation sites, facilities to be abandoned, etc.)	
Year Built: 1995 (use the oldest part of the building, do not give age as "50"+)	
Requirements for buildings/structures 50+ years or if age unknown: Digital or 35mm photos: Take obliquely (showing front & side) of each building/structure. If rehabilitation is involved, send photo close-ups of affected areas such as windows or doors. <u>Send actual photos, not photocopies.</u> <input type="checkbox"/> (check) Historic Associations: Describe associations between the property and any persons/events of historic significance. List references (local historian, centennial book, etc.) N/A	
Based on the information collected, the type of SHPO concurrence you are requesting (check one only): <input type="checkbox"/> No Historic Properties Affected <input type="checkbox"/> No Adverse Effect (If rehab of historic properties will occur, review the Secretary of Interiors Standards for Rehabilitation of Historic Properties prior to developing a work plan. Note - For Historic Properties, a No Adverse Effect determination requires conforming with the Secretary of Interiors Standards.) <input type="checkbox"/> Adverse determination Effect (A MOA will be prepared)	
FOR SHPO USE ONLY: No Historic Properties Affected The described undertaking will not affect any historic properties, per 36CFR800.4(d). If the project description changes, this recommendation is void. Review and Compliance Coordinator _____ for Claudia J. Berg, ND SHPO Date _____ In Response Please Reference: SHPO# _____	
Additional Information: Send additional information relevant to the Section 106 determination. If the project involves properties listed on, or eligible for the National Register, additional information may be required. Send form with all attachments to: Ms. Claudia J. Berg Attn: Review and Compliance ND State Historic Preservation Office 612 E. Boulevard Ave. Bismarck, ND 58505-0830	Form should be returned to: Tran Doan Name Community Action Program Region VII, Inc 258-2240 Agency & Phone Number 2105 Lee Avenue Address Bismarck, ND 58504 City, State, Zip Signature <i>Tran Doan</i> Date <i>4/29/2020</i>



Community Development Department

DECLARATION

The City of Bismarck - Historic Preservation Commission has been advised of the proposed installation of a wheelchair ramp for the property located at 4525 Camden Loop and hereby (AGREE) (DISAGREE) with the North Dakota State Historic Preservation Office determination of No Historic Properties Affected.

If the Bismarck Historic Preservation Commission did not agree, please see the following listed reasons:

Amy Sakariassen, Chair
Bismarck Historic Preservation Commission

Dated: _____





Community Development Department

MEMORANDUM

Section 106 Review Participation – North Dakota State Capitol Building (600 E. Boulevard Ave.)

TO: Chair Sakariassen and Historic Preservation Commission

FROM: Will Hutchings, Planner

DATE: May 14, 2020

The Historic Preservation Commission has elected to participate in Section 106 Reviews. The Historic Preservation Commission's role is to review the proposed project and the opinion provided by the cultural resource firm and provide a recommendation to the State Historic Preservation Office. Participation can also involve providing comments on the identification of historic properties, effects to historic properties, and ways to mitigate or avoid adverse effects to historic properties and districts.

The City of Bismarck has been notified by Advantage Environmental Consultants, LLC and the Federal Communications Commission of Motorola Solutions, Pyramid Network Services, LLC and the State of North Dakota of proposed modification to an existing rooftop tower telecommunication facility attached to the top of the North Dakota State Capitol Building. The proposed installation will consist of three new 17.4-foot tall antennas with new mounts and will have an overall height of 259.4 feet. This installation is part of a 911 Emergency Services Network upgrade, which will enhance public safety communications in the state. No ground disturbance is proposed for this project. All additional proposed equipment for the antennas will be located within an existing equipment room on the 19th floor.

The North Dakota State Capitol is listed as "Eligible" for listing on the National Register of Historic Places.

Staff Recommended Action:

Review the submitted documentation for Section 106 review of the proposed rehabilitation project of the Patterson Place located at 420 East Main Avenue and complete the attached declaration of your findings for the State Historic Preservation Office.

Attachments:

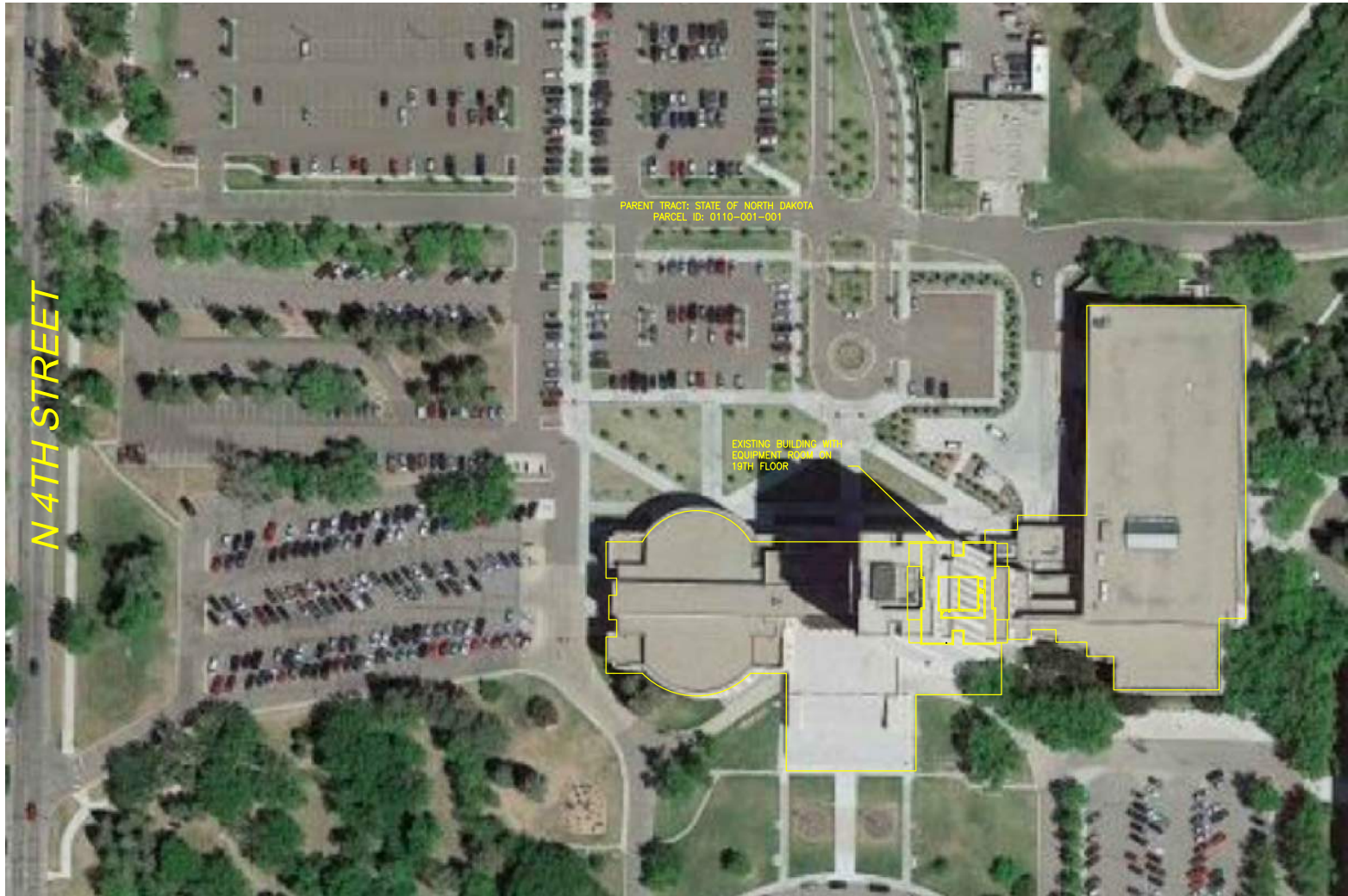
- Excerpts from submittal to SHPO for Section 106 Review
- Declaration



Attachment 2. Additional Site Information

Describe any additional structures, access roads, utility lines, fences, easements or other construction planned for the site in conjunction with the proposed collocation and related facilities. Use this attachment to provide additional details needed to provide a full and accurate description of any structural alterations, additions, or other construction activities that will take place to complete the collocation.

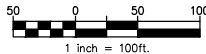
Pyramid Network Services, LLC (Pyramid), on behalf of the state of North Dakota, proposes the modification of an existing rooftop tower telecommunications facility at the above-referenced address. This installation is part of a 911 Emergency Services Network upgrade, which will enhance public safety communications in the state. Pyramid proposes the installation of three new 17.4-foot tall antennas on new mounts. The antennas will be installed at centerline heights of 240.7 feet, for an overall height of approximately 259.4 feet. No ground disturbance is proposed for this project. The Site consists of the North Dakota State Capitol building located approximately 1,870 feet northwest of the intersection of East Boulevard Avenue and State Street. Please refer to the construction drawings included in this Attachment.



- GENERAL NOTES:
1. PROPERTY OFFSETS ARE APPROXIMATE. FINAL LOCATION OF COMPOUND TO BE DEVELOPED FROM TOWER &
 2. THE LOCATION, SIZE & TYPE OF MATERIAL OF EXISTING UTILITIES INDICATED ON THE PLANS IS NOT REPRESENTED AS BEING ACCURATE, SUFFICIENT OR COMPLETE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE ACTUAL LOCATION OF ALL SUCH FACILITIES, INCLUDING THE SERVICE CONNECTIONS TO UNDERGROUND UTILITIES. PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL NOTIFY THE UTILITY COMPANIES OF HIS OPERATIONAL PLANS & SHALL OBTAIN FROM THE RESPECTIVE UTILITY COMPANIES DETAILED INFORMATION & ASSISTANCE RELATIVE TO THE LOCATION OF THEIR FACILITIES & THE WORKING SCHEDULE OF THE COMPANIES FOR REMOVAL OR ADJUSTMENT WHERE REQUIRED. IN THE EVENT AN UNEXPECTED UTILITY INTERFERENCE IS ENCOUNTERED DURING CONSTRUCTION, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE UTILITY COMPANY OF JURISDICTION. THE ENGINEER SHALL ALSO BE IMMEDIATELY NOTIFIED. ANY SUCH MAINS & SERVICES SHALL BE RESTORED TO SERVICE AT ONCE & PAID FOR BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE CONTRACT.
 3. ALL PROPOSED CONSTRUCTION ACTIVITIES & MODIFICATIONS SHALL COMPLY WITH MOTOROLA R-56 STANDARDS, MOST CURRENT REVISION.

ANY DISCREPANCIES BETWEEN THIS DRAWING PACKAGE AND EXISTING FIELD CONDITIONS MUST BE REPORTED TO THE ENGINEER OF RECORD PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

Site Location Plan



1-800-795-0555
Call Now Free

PRELIMINARY
NOT FOR
CONSTRUCTION

NO.	DATE	REVISIONS	BY	CHK	APP'D
C	02-13-20	PRELIMINARY CD's	CAD	MJA	
B	02-11-20	LEASE EXHIBIT	AML	MJA	
A	02-05-20	LEASE EXHIBIT	AML	MJA	

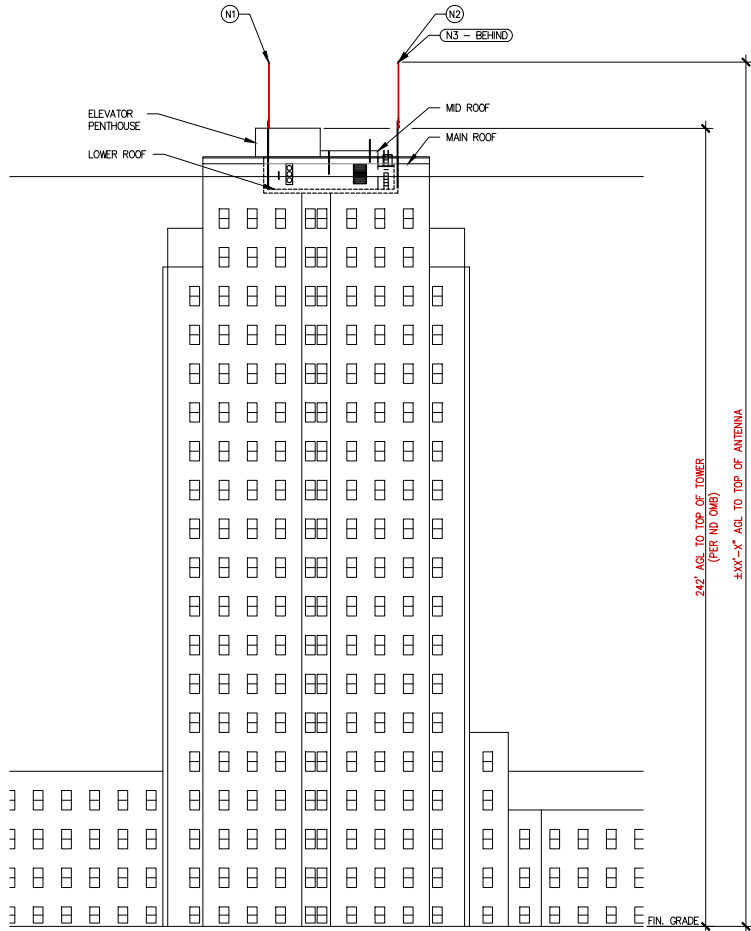


SITE LOCATION PLAN

BISMARCK RT
600 E BLVD AVE
BISMARCK, ND 58505

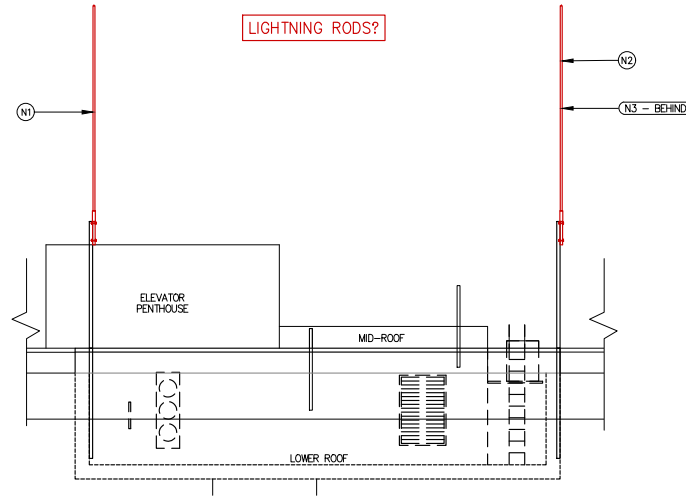
C-1

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IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.



① **Building Elevation**
NOT TO SCALE

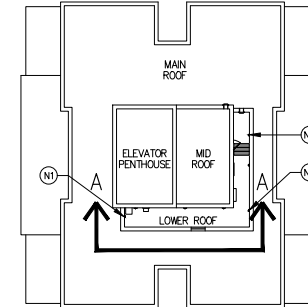
EXISTING ANTENNA APPURTENANCES NOT AVAILABLE AT TIME OF RELEASE



① **Section A-A**
NOT TO SCALE

GENERAL NOTES:

1. STRUCTURAL ANALYSIS COMPLETED BY SEMAAN ENGINEERING SOLUTIONS SITE ID: ANNAPOLIS DISPATCH DATED SEPTEMBER 27, 2019. (LATEST REVISION)
2. THE CONTRACTOR SHALL CONDUCT SWEEP TESTING TO MOTOROLA SPECIFICATIONS WITH PERSONNEL TRAINED IN THE EQUIPMENT AND METHODS. RESULTS TO BE SUBMITTED TO MOTOROLA.
3. ALL TRANSMISSION LINES SHALL BE PERMANENTLY IDENTIFIED AT THE LOCATION OF THE ANTENNA, AT THE ENTRANCE OF THE BUILDING, AND AT THE INTERIOR OF THE EQUIPMENT ROOM, USING METAL BRASS TAGS OR A COUNTY-APPROVED EQUIVALENT LABELING METHOD. TAGS SHALL STATE (1) ANTENNA MODEL AND USE (I.E., BMRT2H 800 MHZ TX1), (2) GENERAL LOCATION ON BUILDING AND HEIGHT ABOVE GROUND LEVEL, (3) AZIMUTH AS APPLICABLE FOR MICROWAVE AND DIRECTIONAL MR ANTENNAS, AND (4) DATE OF INSTALLATION.
4. EACH TRANSMISSION LINE SHALL HAVE A GROUND KIT ATTACHED AT THE (1) ENTRANCE OF BUILDING, (2) INTERIOR OF EQUIPMENT ROOM, EACH TRANSMISSION LINE GROUNDING KIT SHALL BE APPROVED FOR INSTALLATION BY THE MANUFACTURER OF THE TRANSMISSION LINE ON WHICH IT IS TO BE INSTALLED, AND SHALL BE INSTALLED AS DIRECTED BY ITS MANUFACTURER.
5. EACH ANTENNA BASE HEIGHT SHALL BE VERIFIED BY PHYSICAL TAPE DROP MEASUREMENT, WITH ASSOCIATED DIGITAL PICTURES CATALOGUING THE ANTENNA INSTALLATION, TO THE TOP OF THE EXISTING GRADE.



Building Key
NOT TO SCALE

PRELIMINARY
NOT FOR
CONSTRUCTION

NO.	DATE	REVISIONS	BY	CHK	APP'D
C	02-13-20	PRELIMINARY CD's	CAD	MJA	
B	02-11-20	LEASE EXHIBIT	AML	MJA	
A	02-05-20	LEASE EXHIBIT	AML	MJA	



BUILDING ELEVATION AND ANTENNA INFORMATION
BISMARCK RT
600 E BLVD AVE
BISMARCK, ND 58505

C-3

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IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

Attachment 7. Areas of Potential Effects

A. Describe the APE for Direct Effects and describe how this was determined.

The APE for Direct Effects is limited to the equipment installation locations and proposed areas of ground disturbance. Based on a review of the construction drawings and the Site reconnaissance, AEC determined that the APE for Direct Effects is limited to the proposed areas of antenna installation and additional areas of equipment and cabling installation. The APE for Direct Effects is shown on the drawings included in Attachment 2.

B. Describe the APE for Visual Effects and describe how this was determined.

Due to the height of the proposed project site and the limited sight visibility of the whip antennas, a 750-foot radius APE for Visual Effects was used. This was determined based on the Site reconnaissance and guidance within the 2004 Nationwide Programmatic Agreement (NPA).

Attachment 8. Historic Properties Identified in the APE for Visual Effects

A. Currently Listed and Eligible Properties:

Review of the State Historical Society of North Dakota's files identified the following listed and/or eligible historic resources within the APE for Visual Effects:

Name of Resource	Distance from Project Site	NRHP Status
North Dakota State Capitol	Subject Property	Eligible
Liberty Memorial Library	510 Feet	Eligible

A copy of the historic resources location map is included within Attachment 12.

B. Properties Identified Through Comments of Indian Tribes, Local Governments, or Members of the Public:

No such properties have been identified.

C. Properties Listed in 8a Considered No Longer Eligible For Inclusion on the National Register:

No such properties have been identified.

Attachment 9. Historic Properties Identified in the APE for Direct Effects

A. Properties Identified in 8a or 8b Within the APE for Direct Effects:

Review of the State Historical Society of North Dakota's files identified the following listed and/or eligible historic resources within the APE for Direct Effects:

Name of Resource	Distance from Project Site	NRHP Status
North Dakota State Capitol	Subject Property	Eligible

B. Properties Identified, Not Listed Within Attachment 9A, Within the APE for Direct Effects that are Considered to be Eligible for Listing in the National Register:

No such properties were identified.

C. Techniques and Methodology Used to Identify Historic Properties Within the APE for Direct Effects:

For identification of historic structures and previously recorded archaeological sites, AEC conducted a review of the State Historical Society of North Dakota's files.

No archaeological investigation was conducted as no ground disturbance is proposed to occur during T-Mobile installation.

Attachment 10. Statement of Effects

For each property identified as an historic property in Attachments 8 and 9:

A. Indicate whether the Applicant believes the proposed collocation would have a) no effect; b) no adverse effect; or, c) adverse effect. Explain how each assessment was made. Provide supporting documentation if necessary.

A copy of the Statement of Effects, prepared by Architectural Historian David C. Berg, included within this Attachment.

B. Provide copies of any correspondence and summaries of any oral communication with the SHPO/THPO.

No correspondence with the SHPO has occurred to date.

C. Describe any alternatives that have been considered that might avoid, minimize or mitigate any adverse effects. N/A

Attachment 10: Effects on Identified Properties

April 9, 2020

Site Name: Bismarck RT
600 E. Boulevard Avenue
Bismarck, ND 58505

This Statement of Effects has been prepared for the proposed Pyramid Network Services (Pyramid, on behalf of the state of North Dakota), telecommunications installation at 600 E. Boulevard Avenue in Bismarck, North Dakota. Because telecommunication facilities are Federal Communication Commission (FCC)-licensed entities, the construction of the facility constitutes an undertaking and its potential impact on historic properties must be considered in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended).

The subject property is the North Dakota State Capitol building, a 21-story building constructed in 1934. Existing installations consist of various rooftop antennas and equipment. Pyramid proposes to add three rooftop antennas. The overall height of the building is 242' agl and proposed antennas will be at a top height of approximately 249.4' agl. Existing and proposed equipment will be within an existing equipment room on the 19th floor.

Area of Potential Effects

Federal regulations related to telecommunication projects define the Area of Potential Effect (APE) as *"the geographic area or areas within which an Undertaking may directly or indirectly cause alterations in the character or use of Historic Properties, if any such properties exist."* The APE for direct effects for this project is limited to the equipment installation locations. Due to the height of the proposed project site and the limited sight visibility of the whip antennas, the APE for visual effect is considered to be a 750-foot radius around the installation site. The undertaking does not involve any ground disturbance.

Identified Properties

A review of previously inventoried historic properties was conducted in consultation with Lisa Steckler of the State Historical Society of North Dakota in March of 2020. The site is subject to SHPO review because it lies within a National Register eligible historic district. Two previously recorded architectural resources are present within the project APE for indirect/visual effects. The North Dakota State Capitol, constructed in 1934 and the Liberty Memorial Library, constructed in 1924, are both considered individually eligible for the National Register of Historic Places. The capitol complex as a whole is also considered eligible as a National Register Historic District. There are no other recorded resources within the APE for indirect/visual effects (Map 1, Table 1).

Effects on Identified Properties

Direct Effects

New pipe mounts will be installed and two new wall penetrations will be made to rout cable to the equipment room. These will be minor impacts and will not endanger those qualities that make the

subject building eligible for the National Register of Historic Places. Therefore, there will be **No Adverse Effect** with respect to direct effects.

Indirect/Visual Effects

Due to the height of the building and the narrow width of the whip antennas, the proposed antennas do not significantly intrude upon the visual qualities of the subject building or its surroundings. The installation of three antennas will not endanger those qualities that make the resources within the APE eligible for the National Register of Historic Places. Therefore, there will be **No Adverse Effect** with respect to indirect/visual effects.

Please refer to the following maps and photographs for additional information

David C. Berg
Architectural Historian

Attachment 11. Photographs

Please see the attached photographs.



1. View towards proposed site (North Dakota State Capitol), facing north.



2. View towards proposed site, facing east.

Attachment 10: Effects on Identified Properties (continued)



3. View towards proposed site, facing south.



4. View towards proposed site, facing west.



5. View from proposed site, facing north.



6. View from proposed site, facing south.



7. View from proposed site, facing west.



8. View from proposed site, facing east.



9. View from proposed site towards Liberty Memorial Library, facing southeast.



10. View towards proposed site from Liberty Memorial Library, facing north.

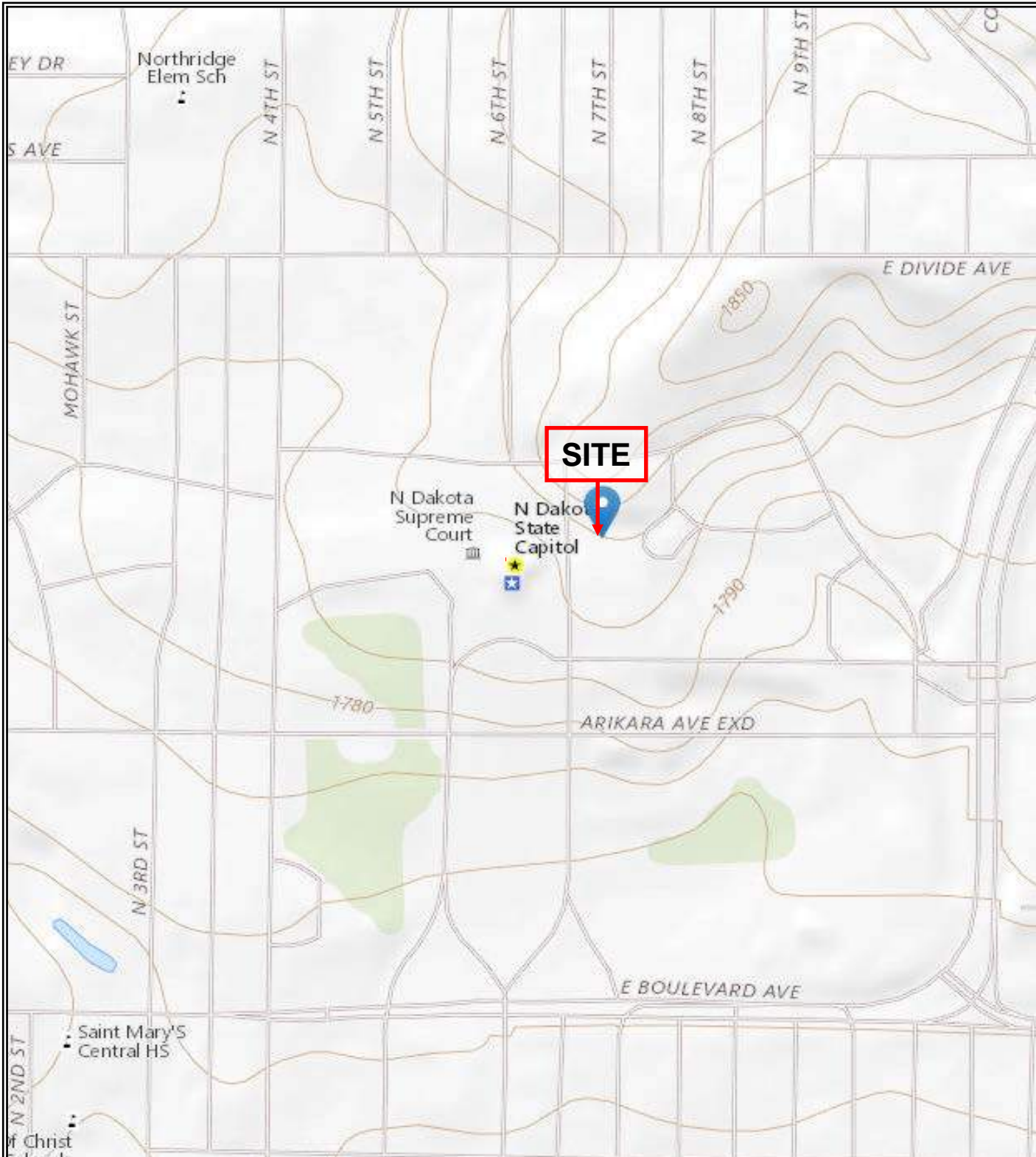
Attachment 12. Maps

Please see the attached topographic map, Site plan, SHPO map, and APE map.



Map 1: Aerial image of the project area showing the 750-foot visual APE.
Source: google.com.

Table 1. Historic Properties within a 750-foot radius of the project site		
Name	National Register Status	Effect
North Dakota State Capitol	Eligible	No Adverse Effect
Liberty Memorial Library	Eligible	No Adverse Effect



**Advantage
Environmental
Consultants, LLC**

8610 Washington Boulevard, Suite 217
Jessup, Maryland 20794

Phone: 301-776-0500 Fax: 301-776-1123



Site Vicinity Map

USGS Bismarck, ND Quadrangle 2017
"Bismarck RT"

600 East Boulevard Avenue
Bismarck, North Dakota 58505

68C Project No.:

PNS-20-205

Report Date:

April 2020

Drawn By:

MAK

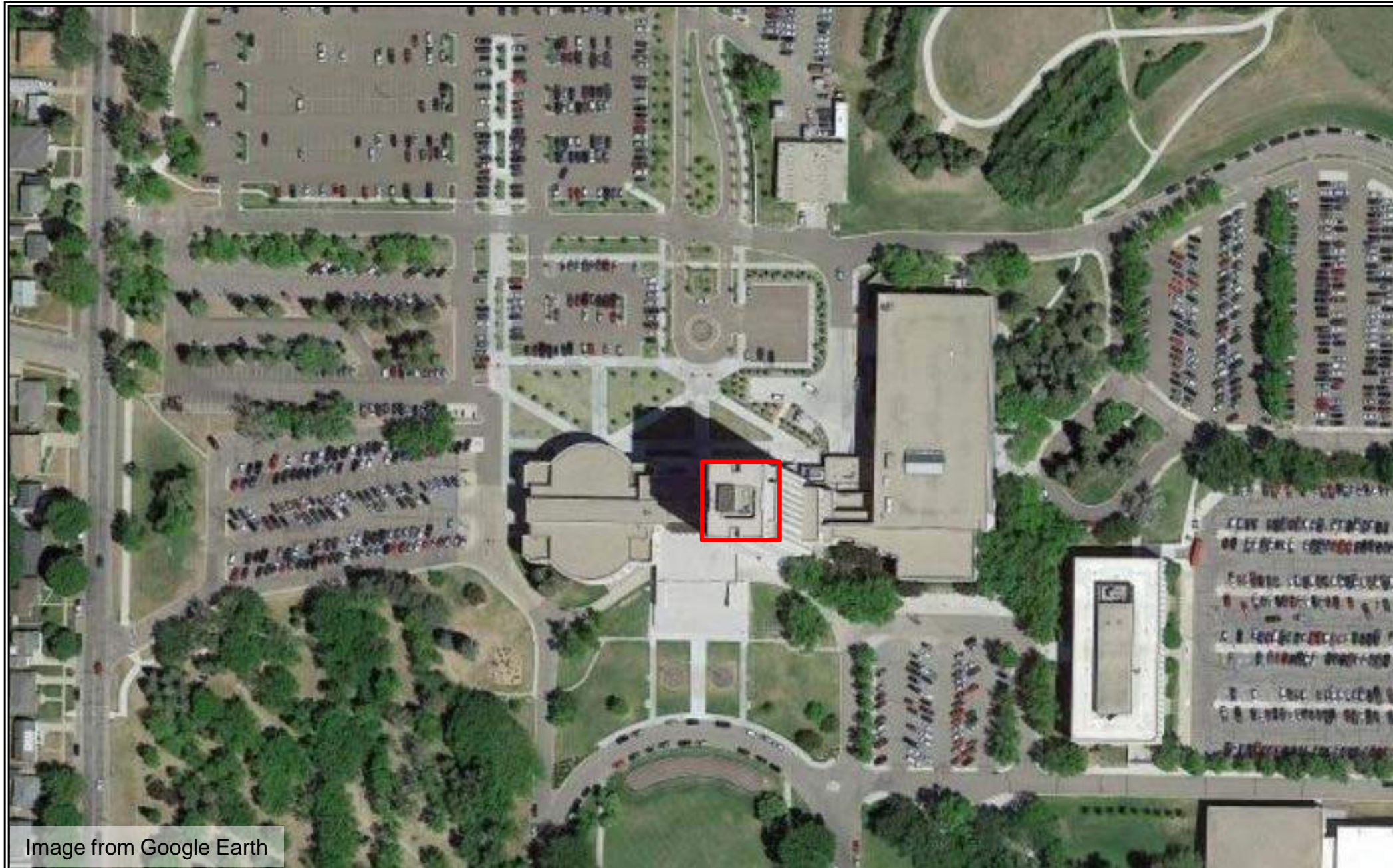


Image from Google Earth

AEC Advantage
Environmental
Consultants, LLC

8610 Washington Boulevard, Suite 217
Jessup, Maryland 20794
Phone: 301-776-0500 Fax: 301-776-1123

Legend



= Approximate Site Boundary

64



Site Plan

"Bismarck RT"

600 East Boulevard Avenue
Bismarck, North Dakota 58505

Project No.:
PNS-20-205

Report Date:
April 2020

Drawn By:
MAK



Community Development Department

DECLARATION

The City of Bismarck - Historic Preservation Commission has been advised of the proposed modification of a rooftop tower telecommunications facility on the North Dakota State Capitol located at 600 East Boulevard Avenue and hereby (AGREE) (DISAGREE) with Advantage Environmental Consultants, LLC determination of No Adverse Effect. (AEC Project Number PNS-20-205 and Federal Communications Commission Reference Number 1096383).

If the Bismarck Historic Preservation Commission did not agree, please see the following listed reasons:

Amy Sakariassen, Chair
Bismarck Historic Preservation Commission

Dated: _____





Community Development Department

MEMORANDUM

Overview of Historic Preservation Fund Grant Award & Highland Acres Survey Project

TO: Chair Sakariassen and Historic Preservation Commission

FROM: Will Hutchings, Planner

DATE: May 14, 2020

On March 23, 2020, the City of Bismarck was notified of a Historic Preservation Fund grant award by the North Dakota Historic Preservation Office, a program of the State Historical Society of North Dakota. This grant is funded by monies awarded to the ND Historic Preservation Program by the U.S. National Park Service and reallocated by the State Historical Society in response to an application submitted by the Bismarck Historic Preservation Commission.

The total grant award is \$40,800, which is programmed to cover the costs to conduct an historical survey of Highland Acres and staff attendance at a national historic preservation conference training. Grant award funds will also cover the cost for the Bismarck Historic Preservation Commission's enrollment in the National Alliance of Historic Preservation Commissions. A breakdown of the programmed grant award is attached to this memo. Of the total award, \$38,000 was awarded for the Highland Acres survey project.

The City Commission, at their regular scheduled meeting on March 28, 2020 approved the contract agreement.

The award and the scope of the grant activities is significantly different than the submitted application. Previously, the City submitted a grant application to cover the costs of the historical survey of Highland Acres under the Cultural Heritage Grant program. That grant application was not awarded, but the proposed activity was transferred to this Historic Preservation Fund application at the recommendation of the State Historic Preservation Office.

The award of this grant will ensure that an historic survey of Highland Acres will be conducted to determine its eligibility as a National Register of Historic Places Historic District. Funds will be used to hire a qualified consulting firm to conduct an historic survey to inventory and document all properties within the identified boundaries of the neighborhood.



Staff, in coordination with the State Historic Preservation Office, has developed a request for proposals to find and hire a qualified professional to complete the historic survey documentation. A copy of this request for proposals will be provided to the Bismarck Historic Preservation prior to the May 20, 2020 meeting. Final approval of the request for proposal will be requested at that time.

A majority portion of the site surveys for Highland Acres will be completed by a qualified consultant and the remaining will be completed by staff at the State Historic Preservation Office.

Upon approval of the request for proposals, staff will advertise for bids per the deadline outlined in the document. Afterwards staff will review the proposals, conduct a cut down (if necessary) and rank the proposals according to criteria detailed in the request for proposals. These results will be presented to the Historic Preservation Commission for final approval at the June 17, 2020 scheduled meeting.

Staff Recommended Action:

Review and Approve the Request for Proposals for a consultant to conduct an historical survey of Highland Acres under the Cultural Heritage Grant program.

Attachment: Historic Preservation Fund 2020 Funded Budget

Bismarck CLG
2020
Funded Budget

Administrative Budget			
	Match	Federal	Total
Coordinator's Salary	\$3,385		\$3,385
HPC Donated Labor			
Administrative Total	\$3,385	\$0	\$3,385

Highland Acres Survey			
	Match	Federal	Total
Highland Acres - Core Area	\$25,333	\$38,000	\$63,333
HPC Donated Labor			
TOTAL	\$25,333	\$38,000	\$63,333

Travel			
	Match	Federal	Total
National Conference		\$2,800	\$2,800
HPC Donated Labor	\$1,867		\$1,867
Education Total	\$1,867	\$2,800	\$4,667

	Match	Federal	Total
Grant Totals	\$30,585	\$40,800	\$71,385

40% Minimum Required Match	\$27,200	\$40,800	\$68,000
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**BISMARCK HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
February 19, 2020**

The Bismarck Historic Preservation Commission met on February 19, 2020, at 3:30 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chair Sakariassen presided.

Commissioners present were Walt Bailey, Blake Dinkins, Calvin Grinnell, Tory Jackson, Beth Nodland and Amy Sakariassen.

Commissioner absent was Steven Bakken.

Staff members present were Ben Ehreth – Community Development Director, Kim Lee – Planning Manager, Jannelle Combs – City Attorney, Will Hutchings – Planner and Hilary Balzum – Community Development Administrative Assistant.

MINUTES

Chair Sakariassen called for consideration of the minutes of the January 15th meeting and January 21st special meeting of the Historic Preservation Commission.

Commissioner Bailey indicated that page four of the special meeting minutes should read Berg rather than Burke (Claudia) and page 21 should indicate the Bismarck Historical Society, not the State Historical Society. Commissioner Grinnell said to also correct the typo in the word ‘draft’ in the heading on page 19.

MOTION: A motion was made by Commissioner Bailey to approve the minutes of the January 15th meeting and the January 21st special meeting of the Historic Preservation Commission, with the stated corrections. The motion was seconded by Commissioner Dinkins and with Commissioners Bailey, Dinkins, Grinnell, Jackson, Nodland and Sakariassen voting in favor of the motion, the motion was approved.

UPDATE ON CULTURAL HERITAGE GRANT APPLICATION

Mr. Hutchings said at the November 20, 2019 meeting of the Historic Preservation Commission, staff was directed to prepare a Cultural Heritage Grant (CHG) application to hire a consultant to complete Highland Acres site surveys. He added that the Bismarck City Commission approved the grant application on November 26, 2019 and the application was submitted to the State Historic Preservation Office on November 27, 2019. He added that in a letter dated February 7, 2020, the State Historical Society indicated that the City of Bismarck grant application was not selected for funding. He said a copy of the letter was included in the agenda packet for this meeting. Mr. Hutchings went on to say that staff reached out the State Historic Preservation Office to

discuss options moving forward. Amy Munson, Grants and Contracts Coordinator with the State Historic Preservation Office (SHPO), noted that the non-selected CHG application the City of Bismarck submitted will now be included with the Historic Preservation Fund (HPF) grant application that was submitted on January 30, 2020. He said HPF grants are eligible for all Certified Local Governments who submit applications, and City of Bismarck staff indicated to SHPO that the Highland Acres site survey project should be the highest priority for that funding source out of all projects submitted for consideration. Mr. Hutchings said staff also sought clarification from SHPO on why the submitted CHG application was not selected. In conversations with Ms. Munson, it was noted that since the CHG was funded from a State fund and administered by SHPO, and because the application submitted was for work that is also conducted by SHPO, the proposed project showed potential conflicts of SHPO selecting a project for funding that mirrors work for which they are responsible. Mr. Hutchings said, as it stands, the Highland Acres site survey project will most likely need to be scaled back to align with the funding award that will be made available through the HPF grant. He added that this could include changing the project scope to only survey the identified core area, with the possibility of doing the identified optional areas at a future time. He said SHPO also indicated that they may be able to assist with some of the tasks associated with completing site surveys therefore reducing the amount of work that would need to be conducted by a consultant. Once any funding award is announced, staff will work with SHPO representatives to determine all reasonable alternatives. SHPO anticipates an award notice in early to mid-March 2020.

Mr. Hutchings said SHPO does a great job at trying to award funding to every Certified Local Government that applies.

Chair Sakariassen said the intent is to do some site surveys inhouse, and there needs to be a significant amount of agreement in order to have someone to help as well. She said the intent of SHPO is to mitigate by helping, as it is also their mission. She said we need to know where we stand with SHPO.

Commissioner Bailey said he was unsure of the argument that CHG funds cannot be used for these activities until now. He said it seems contrary to the working procedures of the last 50 years.

Commissioner Jackson asked if the City asked for the full \$50,000.

Mr. Hutchings said that is correct and added that was the maximum request amount requested when the CHG funds were applied for. He added it is unlikely that amount would be awarded from the HPG grant so the project will need to be scaled back as needed. He said that at a minimum, HPF grant funds from National Park Service funds must pass through 10% so there is a total of \$72,000 to be awarded to all CLGs who request funds. He said they can see what is awarded go from there.

Chair Sakariassen said it behooves this group to get ahead of this project being controversial, because it should not be. She said this area merits an historical district designation and needs to be defined as such. She is unhappy to see this potential nomination becoming touted as being controversial, as that is not the intent.

REVIEW OF DRAFT HISTORIC PRESERVATION PLAN PUBLIC QUESTIONNAIRE

Mr. Hutchings said at the August 9, 2019 special meeting of the Historic Preservation Commission staff presented a draft Historic Preservation Plan for review and comment. Development of the Historic Preservation Plan is progressing, with assistance provided by members of the Historic Preservation Commission. He said staff estimates the plan is 75% complete, and as the project gets closer to completion, staff is recommending that a public survey be developed and released to seek input related to historic preservation from community members. He added that a draft questionnaire was included in the agenda packet for review today, asking for suggested edits and possible approval.

A copy of the draft questions is attached as Exhibit A.

Commissioner Nodland said to fold in somewhere, possibly into question four, if there is awareness of the upcoming sesquicentennial.

Commissioner Bailey added an entirely separate question for that item may be more appropriate.

Commissioner Nodland said question number two seems too vague or broad.

Chair Sakariassen said they could do a scale of what is known of various historic items.

Commissioner Bailey said question number one could include a follow-up question of why or why not in order to establish a base line and also ask how long they have been a resident.

Commissioner Jackson suggested adding question of favorite historical sites. He then asked how the information derived from the survey results will be made available and decimated.

Mr. Hutchings said a surveying program would be utilized.

SECTION 106 REVIEW PARTICIPATION – 1100 EAST BOULEVARD AVENUE AND 1100 PORTER AVENUE

Mr. Hutchings said the City of Bismarck has requested review for two proposed rehabilitation projects at two separate buildings located at 1100 East Boulevard Avenue and 1100 Porter Avenue. He said the City will be utilizing pass through federal funds

(NSP and HOME) to Community Works North Dakota and Lutheran Social Services Housing, LLC for purchase and further rehabilitation of the buildings. Mr. Hutchings added that a letter and maps provided to the SHPO were included with the agenda packet for this meeting and the proposed rehabilitation work for each building consists of replacing windows, doors, carpets, cabinets, countertops, and bathroom fixtures in buildings. Mr. Hutchings explained that applicable aspects of this review would be the replacement of windows and exterior features. The potential impacts to the buildings' historic character created by replacement windows should evaluate, whether the windows will be the same size, style, material, and shape.

Mr. Hutchings said staff recommends reviewing the submitted documentation for Section 106 review of the proposed rehabilitation projects located at 1100 East Boulevard Avenue and 1100 Porter Avenue and complete the provided declarations of their findings for the State Historic Preservation Office.

Mr. Hutchings added that while 1100 Porter Avenue is likely not considered significant, the property at 1100 East Boulevard Avenue potentially is.

Chair Sakariassen asked when the last improvements were completed.

Mr. Hutchings said they were complete in 2014. He said 1100 East Boulevard Avenue has had various funding sources for renovations amongst multiple owners and now Lutheran Social Services Housing is offering the property for affordable housing. He said the architect provided renderings and there is a representative here to give more information as needed. These comments and renderings are attached as Exhibit B.

Brent Ekstrom said 40 units were renovated in the main building, but none located at the Porter Avenue Apartments have received improvements and they intend to renovate more units at 1100 East Boulevard Avenue. He said they would all eventually have some type of improvements.

Commissioner Jackson asked if those are only the units on the east side. Mr. Ekstrom said that is correct. They did an analysis and others that were renovated in 2017 are still in good condition.

Commissioner Jackson asked if the lattice on the building at 1100 Porter Avenue would change. Mr. Ekstrom said it is planned to be replaced with a new metal screen.

Commissioner Bailey asked who decided what is potentially eligible. Mr. Hutchings said Lorna Meidinger, SHPO, said there are not any surveys on record at this time, but the age may have determined the eligibility, as well as possible significant history and the Historic Preservation Commission is asked to weigh-in as this project is using a federal funding source.

Commissioner Nodland said she is uncomfortable with being asked to make a determination without knowing the historical eligibility requirements and there is not enough structural information. She said she does support the project, but cannot say there would be no adverse effect. She said that is like being asked to serve in the capacity of an architectural historian, but some guesswork needs to be taken out.

Mr. Hutchings said comments are to be provided to the State and asked if there is a way to convey those concerns without delaying the typical 30-day review period longer.

Chair Sakariassen said to include the limited knowledge of the Historic Preservation Commission and not being able to contribute to this review, or state there is nothing to add for an informed decision and they respectfully choose to not participate in this particular evaluation.

Commissioner Jackson said the declaration can still be used, just not necessarily to disagree.

Mr. Hutchings said that can work and he will modify the declaration to not indicate a disagreement.

Mr. Ekstrom said the inclusion of federal funding is what requires SHPO to ask for this input.

MOTION: A motion was made by Commissioner Nodland to adopt the modified language for the declaration and approve that language for this review. The motion was seconded by Commissioner Jackson and with Commissioners Bailey, Dinkins, Grinnell, Jackson, Nodland and Sakariassen voting in favor of the motion, the motion was approved.

OTHER BUSINESS

PUBLIC INPUT/COMMENTS

There was no public input provided at this time.

INFORMATION SESSION FROM CITY ATTORNEY

Ms. Combs provided a copy of a memo and said she has visited with all of the City Boards and Commissions just to give a refresher on some meeting operations requirements and to address some pitfalls, such as amending motions whereas withdrawing a motion is most preferred. She said any and all business communication is subject to open records requests and to avoid being inadvertently drawn into census building of any kind outside of meetings. Ms. Combs' memo is attached as Exhibit C.

Mr. Hutchings said the historic preservation community in Bismarck is small, and at times more than one member may be in the same room at one time. Ms. Combs said in that situation to simply avoid discussing any business of the Historic Preservation Commission.

OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chair Sakariassen declared the meeting of the Bismarck Historic Preservation Commission adjourned at 4:30 p.m. to meet again on March 18, 2020.

Respectfully Submitted,

Hilary Balzum
Recording Secretary

APPROVED:

Amy Sakariassen, Chair

BISMARCK HISTORIC PRESERVATION SURVEY

Purpose of the Survey:

The purpose of this survey is to gather input about your views about historic preservation in Bismarck which will help shape the City's first Historic Preservation Plan. The purpose of the plan is to identify goals and objectives to guide the City of Bismarck Historic Preservation Commission in the upcoming years. This survey is intended to be taken by residents, elected officials, and historic preservation professionals.

1. Do you view Bismarck as a historic place?

Scale 1 to 10

1 being not historic | 10 being very historic

2. How much do you know about Bismarck History?

Scale 1 to 10

1 I know nothing about Bismarck history | 10 I am very knowledgeable about Bismarck history

3. Do you participate in activities/events related to Bismarck history (i.e. walking tours, workshops, lecture series, etc.)?

- ☐ Yes
☐ No

4. What activities/events related to Bismarck history would you like to see?

Open Ended

5. Do you think Bismarck does enough to protect its historic resources?

Scale 1 to 10

1 Bismarck does not do enough to protect historic resources | 10 Bismarck is doing a great job at protecting historic resources

[with comment box]

6. Do you think Bismarck should do more to encourage historic preservation?

- ☐ Yes
☐ No

7. How concerned are you about the loss of historic places/structures?

Scale 1 to 10

1 not concerned | 10 very concerned

[with comment box]

8. If you attend school in Bismarck or are a parent of a student in a school, please indicate your level of satisfaction with local school's history curriculum about Bismarck.

Scale 1 to 10

1 not satisfied | 10 very satisfied

[with comment box]

9. Check all of the following entities you have heard of.

- ☐ State Historic Preservation Office
- ☐ Bismarck Historical Society
- ☐ Northern Plains National Heritage Area
- ☐ Preservation North Dakota
- ☐ North Dakota Archaeological Association
- ☐ National Trust for Historic Preservation
- ☐ Bismarck-Mandan Convention and Visitors Bureau
- ☐ Other [with comment boxes]

10. How well do you think Bismarck entities work together to promote historic preservation?

Scale 1 to 10

1 not well | 10 very well

11. What are some ways you think Bismarck may celebrate and promote the heritage of Bismarck?

Open Ended

12. Do you have concerns about the City of Bismarck being more proactive in historic preservation?

- ☐ Yes
- ☐ No

[with comment box]

13. What are some things you would support the City of Bismarck doing to protect Historic properties more?

Open Ended

14. List any additional feedback you think would be beneficial for the Historic Preservation Plan

Open Ended

15. Do you reside in within Bismarck City Limits?

- ☐ Yes
- ☐ No

16. Please select all that describe you

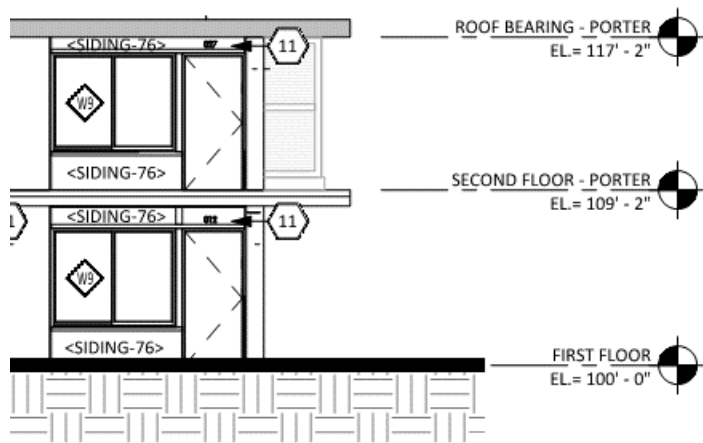
- ☐ Resident of Bismarck
- ☐ Elected/Appointed Official
- ☐ Historic Preservation Professional

17. Please indicate your age:

- ☐ Under 18
- ☐ 18 to 34 years old
- ☐ 35 to 54 years old
- ☐ 55 to 75 years old
- ☐ 75 years and older

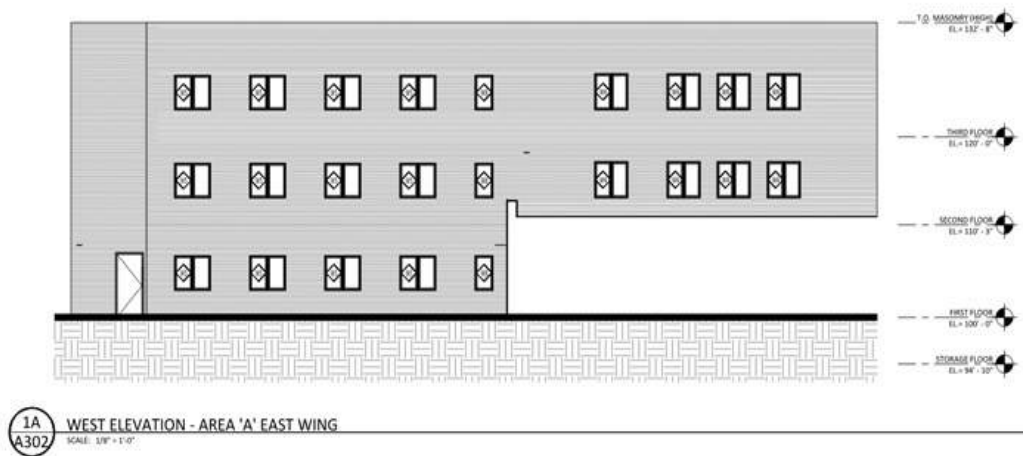
18. Please indicate your gender:

- ☐ Male
- ☐ Female
- ☐ Prefer not to answer



2A) **Community Room Siding Replacement** – the center area siding is indicated to be replaced with wood fiber siding as an alternate to the bid.

3) **Main Building Replacement Windows** – Where units are being renovated, the windows are indicated to be replaced. Window replacement in existing, untouched units is an alternate. Window for many spaces were replaced in 2013. New windows are called out to be vinyl. In example, the west elevation of the east wing below shows each window will be removed and replaced. This is the same for the east elevation of the east wing.



4) **Main Building New Openings / Replaced Garage Doors** – Please see below for the south elevation with new, larger openings of storefront and garage doors removed and replaced with storefront and siding.



I hope this helps with the conversation tomorrow- I apologize for not being able to make it.
Thank you-

Jennifer Burke Jackson, AIA, LEED AP

JLG Architects

416 E Main Ave

Bismarck, ND 58501

p [REDACTED]

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City Attorney

DATE: February 19, 2020
FROM: Jannelle Combs, City Attorney
ITEM: Discussion on Board Conduct and Governance

I was requested to provide a basic overview on common Robert's Rules of Order governance as well as North Dakota laws that often are impacted by work such as with the Historic Preservation Commission.

Four voting members are the quorum for any Historic Preservation Commission meeting since you have seven voting members.

1. To amend a motion on the table: Need motion and second, and then a simple majority vote to amend the motion; then you need to vote on the actual motion. Or the movant can ask to withdraw the motion. The chair can ask if there is any objection; if none, it is withdrawn. If there is objection, the withdrawal will be put to a vote.
2. Do not need majority if someone rises to a question of privilege (i.e. to complain about noise or heat) or rise to a point of order (i.e. protest breach of rules).
3. If you believe something is out of order without enough discussion or no actual second or a miscalculation of the votes, you can "rise to a point of order" which is one area where you do not need to be recognized by the chair before you speak.

Chair controls the meeting and controls who speaks by "recognizing" members. Discussion is not a conversation. No one should speak a second time until all who wish have spoken. Typically, once the topic is presented by staff, spoke about by the affected parties and all questions of those individuals are done, then a motion is needed before you can further discussion. Also the discussion should only occur after any public hearing is closed.

Remember that you are an advisory committee so any real action is to propose

Open records/meetings:

1. If you meet with more three other Authority members on a particular topic, it is a meeting that we need to disclose. Social or accidental meetings are exempt but be aware to not let the appearance of communication occur.
2. If you email or teleconference with more than three members on Historic Preservation Commission business, it is a meeting requiring disclosure.
3. Emails, voicemails, letters, texts, notes, etc. documenting anything relating to Historic Preservation Commission business is discoverable by the public. We must turn those over, even from your personal or business email address or phones. And deletion rarely ever occurs without an electronic bread crumb trail. Several AG opinions specifically call out that if substantive issues are mentioned, even if attending another committee or meeting, and any member provides an opinion regarding public business, builds support or consensus, then open meetings law are triggered.
4. If there is suspicion that you are not handing over all information, you may have to hand over electronic access to your email or phone to review in camera for anything not disclosed. If you miss something and did not disclose it, that will be an open records or meeting violation.
5. Penalties for compliance can require corrective action to announce the prior meetings and provide all of the information discussed to the public. Additionally, there can be civil and criminal penalties, including if the AG's office feels the Authority member should have known of the rules and will require that individual to be personally liable for noncompliance and those fees, without reimbursement from the City or insurance. Our errors and omissions insurance will not likely cover conduct that would rise to that level.
6. If it is kept, it is discoverable. The City will maintain the minutes and memos required under state law to remain, which is 3 years or longer if it involves certain projects. But you may have requests for any documents, especially emails or texts, if we believe you may be impacted.

If you have questions, please let Community Development or City Attorney Departments know. Jannelle is available anytime if you have a legal question on whether an issue is in compliance with her contact information below.

STAFF CONTACT INFORMATION

Jannelle Combs | City Attorney, 355-1340 or jcombs@bismarcknd.gov